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E U L O G Y

ON

J A M E S M A D I S O N .

BY JOHN QUINCY ADAMS.



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AN

EULOGY

ON THE

LIFE AND CHARACTER

OF

JAMES MADISON,

FOURTH PRESIDENT OF THE UNITED STATES;

DELIVERED AT THE REQUEST OF THE

MAYOR, ALDERMEN, AND COMMON COUNCIL

OF THE

CITY OF BOSTON,

SEPTEMBER 27, 1836.

BY JOHN QUINCY ADAMS.

©

BOSTON:

JOHN H. EASTBURN, CITY PRINTER,

No. 18 State Street.

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CITY OF BOSTON.

In the Board of Aldermen, September 28, 1836.

RESOLVED, That the thanks of the City Council be presented to the Hon. JOHN QUINCY ADAMS, for the eloquent Eulogy delivered by him, on the 27th instant, in the Odeon, at their request, in memory of the late venerable JAMES MADISON, and that a copy be requested for the press.

Sent down for concurrence.

SAMUEL T. ARMSTRONG, *Mayor*.

In Common Council, September 29, 1836.

Read and concurred.

JOSIAH QUINCY, JR., *President*.

A true copy.—Attest,

S. F. McCLEARY, *City Clerk*.



E U L O G Y .

WHEN the imperial despot of Persia, surveyed the myriads of his vassals, whom he had assembled for the invasion and conquest of Greece, we are told by the father of profane history,* that the monarch's heart, at first, distended with pride, but immediately afterwards sunk within him, and turned to tears of anguish at the thought, that within one hundred years from that day, not one of all the countless numbers of his host would remain in the land of the living.

The brevity of human life, had afforded a melancholy contemplation to wiser and better men than Xerxes, in ages long before that of his own existence. It is still the subject of philosophical reflection or of Christian resignation, to the living man of the present age. It will continue such, so long as the race of man shall exist upon earth.

But it is the condition of our nature to look *before* and *after* : The Persian tyrant looked *forward*, and lamented the shortness of life ; but in that century which bounded his mental vision, he knew not what was to come to pass, for weal or woe, to the race whose transitory nature he deplored, and his own purposes, happily baffled by the elements which he with absurd presumption would have chastised, were of the most odious and detestable character.

* Herodotus.

Reflections upon the shortness of time allotted to individual man upon this planet, may be turned to more useful account, by connecting them with ages past than with those that are to come. The family of man is placed upon this congregated ball to earn an improved condition hereafter by improving his own condition here—and this duty of improvement is not less a social than a selfish principle. We are bound to exert all the faculties bestowed upon us by our Maker, to improve our own condition, by improving that of our fellow men, and the precepts that we should love our neighbor as ourselves, and that we should do to others as we would that they should do unto us, are but examples of that duty of co-operation to the improvement of his kind, which is the first law of God to man, unfolded alike in the volumes of nature and of inspiration.

Let us look *back* then for consolation from the thought of the shortness of human life, as urged upon us by the recent decease of JAMES MADISON, one of the pillars and ornaments of his country and of his age. His time on earth was short, yet he died full of years and of glory—less, far less than one hundred years have elapsed since the day of his birth—yet has he fulfilled, nobly fulfilled, his destinies as a man and a Christian. He has improved his own condition by improving that of his country and his kind.

He was born in Orange County in the British Colony of Virginia on the 5th of March, 1750 ; or according to the computation of time by the Gregorian Calender, adopted the year after that of his birth, on the 16th of March 1751, of a distinguished and opulent family ; and received the early elements of education partly at a public school under the charge of

Donald Robertson, and afterwards in the paternal mansion under the private tuition of the Rev. Thomas Martin ; by whose instructions he was prepared for admission at Princeton College.

There are three stages in the history of the North American Revolution—The first of which may be considered as commencing with the order of the British Council for enforcing the acts of trade in 1760, and as having reached its crisis at the meeting of the first Congress fourteen years after at Philadelphia. It was a struggle for the preservation and recovery of the rights and liberties of the British Colonies. It terminated in a civil war, the character and object of which were changed by the Declaration of Independence.

The second stage is that of the War of Independence, usually so called—but it began fifteen months before the Declaration, and was itself the immediate cause and not the effect of that event. It closed by the preliminary Treaty of Peace concluded at Paris on the 30th of November, 1782.

The third is the formation of the Anglo-American People and Nation of North America. This event was completed by the meeting of the first Congress of the United States under their present Constitution of the 4th of March, 1789. Thirty years is the usual computation for the duration of one generation of the human race. The space of time from 1760 to 1790 includes the generation with which the North American Revolution began, passed through all its stages and ended.

The attention of the civilized European world and perhaps an undue proportion of our own has been drawn to the second of these three stages—to the

contest with Great Britain for Independence. It was an arduous and apparently a very unequal conflict. But it was not without example in the annals of mankind. It has often been remarked that the distinction between rebellion and revolution consists only in the event, and is marked only by difference of success. But to a just estimate of human affairs there are other elementary materials of estimation. A revolution of government to the leading minds by which it is undertaken is an object to be accomplished. William Tell, Gustavus Vasa, William of Orange, had been the leaders of revolutions, the object of which had been the establishment or the recovery of popular liberties. But in neither of those cases had the part performed by those individuals been the result of deliberation or design. The sphere of action in all those cases was incomparably more limited and confined, the geographical dimensions of the scene narrow and contracted—the political principles brought into collisions of small compass—no foundations of the social compact to be laid—no people to be formed—the popular movement of the American revolution had been preceded by a foreseeing and directing mind. I mean not to say by one mind ; but by a pervading mind, which in a preceding age had inspired the prophetic verses of Berkley, and which may be traced back to the first Puritan settlers of Plymouth and of Massachusetts Bay. “From the first Institution of the Company of Massachusetts Bay,” says Dr. Robertson, “its members seem to have been animated with a spirit of innovation in civil policy as well as in religion ; and by the habit of rejecting established usages in the one, they were prepared for deviating from them in the other.

They had applied for a royal charter, in order to give legal effect to their operations in England, as acts of a body politic; but the persons whom they sent out to America as soon as they landed there, considered themselves as individuals, united together by voluntary association, possessing the natural right of men who form a society to adopt what mode of government and to enact what laws they deemed most conducive to general felicity."

And such had continued to be the prevailing spirit of the people of New England from the period of their settlement to that of the revolution. The people of Virginia too, notwithstanding their primitive loyalty, had been trained to revolutionary doctrines and to warlike habits; by their frequent collisions with Indian wars; by the convulsions of Bacon's rebellion, and by the wars with France, of which their own borders were the theatre, down to the close of the war which immediately preceded that of the revolution. The contemplation and the defiance of danger, a qualification for all great enterprise and achievement upon earth, was from the very condition of their existence, a property almost universal to the British Colonists in North America, and hardihood of body, unfettered energy of intellect and intrepidity of spirit, fitted them for trials, which the feeble and enervated races of other ages and climes could never have gone through.

For the three several stages of this new Epocha in the earthly condition of man, a superintending Providence had ordained that there should arise from the native population of the soil, individuals with minds organized and with spirits trained to the exigencies of the times, and to the successive aspects of

the social state. In the contest of principle which originated with the attempt of the British Government to burden their Colonies with taxation by act of Parliament, the natural rights of mankind found efficient defenders in James Otis, Patrick Henry, John Dickinson, Josiah Quincy, Benjamin Franklin, Arthur Lee and numerous other writers of inferior note. As the contest changed its character, Samuel and John Adams and Thomas Jefferson were among the first who raised the standard of Independence and prepared the people for the conflict through which they were to pass. For the contest of physical force by arms, Washington, Charles Lee, Putnam, Green, Gates, and a graduation of others of inferior ranks had been prepared by the preceding wars—by the conquest of Canada and by the previous capture of Louisburg. From the beginning of the war, every action was disputed with the perseverance and tenacity of veteran combatants, and the minute men of Lexington and Bunker's Hill were as little prepared for flight at the onset as the Macedonian phalanx of Alexander or the tenth legion of Julius Cæsar.

But the great work of the North American revolution was not in the maintenance of the rights of the British Colonies by argument, nor in the conflict of physical force by war. The Declaration of Independence annulled the national character of the American people. That character had been common to them all as subjects of one and the same sovereign, and that sovereign was a king. The dissolution of that tie was pronounced by one act common to them all, and it left them as members of distinct communities in the relations towards each other, bound only

by the obligations of the law of nature and of the Union, by which they had renounced their connexion with the mother country.

But what was to be the condition of their national existence? This was the problem of difficult solution for them; and this was the opening of the new era in the science of government and in the history of mankind.

Their municipal governments were founded upon the common law of England, modified by their respective charters; by the Parliamentary law of England so far as it had been adopted by their usages, and by the enactments of their own Legislative assemblies. This was a complicated system of law, and has formed a subject of much internal perplexity to many of the States of the Union, and in several of them continues unadjusted to this day. By the common consent of all, however, this was reserved for the separate and exclusive regulation of each State within itself.

As a member of the community of nations, it was also agreed that they should constitute one body—“*E pluribus unum*” was the devise which they assumed as the motto for their common standard. And there was one great change from their former condition, which they adopted with an unanimity so absolute, that no proposition of a different character was ever made before them. It was that all their governments should be republican. They were determined not only to be separately republics, but to tolerate no other form of government as constituting a part of their community. A natural consequence of this determination was that they should remain separate independences, and the first suggestion which

presented itself to them, was that their Union should be merely a confederation.

In the first and in the early part of the second stage of the revolution, the name of JAMES MADISON had not appeared. At the commencement of the contest he was but ten years of age. When the first blood was shed, here in the streets of Boston, he was a student in the process of his education at Princeton College, where the next year, 1771, he received the degree of bachelor of Arts. He was even then so highly distinguished by the power of application and the rapidity of his progress, that he performed all the exercises of the two senior Collegiate years in one—while at the same time his deportment was so exemplary, that Dr. Witherspoon, then at the head of that College, and afterwards himself one of the most eminent Patriots and Sages of our revolution, always delighted in bearing testimony to the excellency of his character at that early stage of his career; and said to Thomas Jefferson long afterwards, when they were all colleagues in the revolutionary Congress, that in the whole career of Mr. MADISON at Princeton, he had never known him to say or do an indiscreet thing.

Discretion in its influence upon the conduct of men is the parent of moderate and conciliatory counsels, and these were peculiarly indispensable to the perpetuation of the American Union; and to the prosperous advancement and termination of the revolution, precisely at the period when Mr. Madison was first introduced into public life.

In 1775, among the earliest movements of the revolutionary contest, he was a member of the Committee of Public Safety of the County of Orange, and in

1776, of the Convention substituted for the ordinary Legislature of the Colony. By one of those transient caprices of popular favour, which sometimes influence elections, he was not returned to the House of Delegates in 1777, but was immediately after elected by that body to the Executive Council, of which he continued a leading member till the close of the year 1779, and was then transferred by the Legislature to the representation of the Commonwealth in the Continental Congress. His first entrance into public life was signalized by the resolution of the Convention of the State, instructing their Delegates to vote for the Independence of the Colonies; by the adoption of a declaration of rights, and by their organization of a State government which continued for more than half a century the Constitution of the Commonwealth before it underwent the revision of the people; an event in which he was destined again to take a conspicuous part. On the 20th of March, 1780, he took his seat as a delegate in the Congress of the Confederation. It was then, in the midst of the revolution, and under the influence of its most trying scenes, that his political character was formed, and then it was that the virtue of discretion, the spirit of moderation, the conciliatory temper of compromise found room for exercise in its most comprehensive extent.

One of the provisions in the articles of Confederation most strongly marked with that same spirit of Liberty, the vital breath of the contest in which our fathers were engaged; the true and undying conservative spirit by which we their children enjoy that Freedom which they achieved; but which like all other pure and virtuous principles sometimes leads to error by its excess was that no member of this impotent

Congress should hold that office more than three years in six. This provision however, was construed not to have commenced its operation until the final ratification of the articles by all the States on the first of March, 1781. Mr. Madison remained in Congress nearly four years from the 20th of March, 1780 till the first Monday in November, 1783. He was thus a member of that body during the last stages of the revolutionary war and for one year after the conclusion of the Peace. He had during that period, unceasing opportunities to observe the mortifying inefficiency of the merely federative principle upon which the Union of the States had been organized, and had taken an active part in all the remedial measures proposed by Congress for amending the Articles of Confederation.

A Confederation is not a country. There is no magnet of attraction in any league of Sovereign and Independent States which causes the heart strings of the individual man to vibrate in unison with those of his neighbour. Confederates are not Countrymen, as the tie of affinity by convention can never be so close as the tie of kindred by blood. The Confederation of the North-American States was an experiment of inestimable value, even by its failure. It taught our fathers the lesson, that they had more, infinitely more to do than merely to achieve their Independence by War. That they must form their social compact upon principles never before attempted upon earth. That the Achean leagues of ancient days, the Hanseatic league of the middle ages, the leagues of Switzerland or of the Netherlands of later times, furnished no precedent upon which they could safely build their labouring plan of State. The Confederation was perhaps as

closely knit together as it was possible that such a form of polity could be grappled ; but it was matured by the State Legislatures without consultation with the People, and the jealousy of sectional collisions, and the distrust of all delegation of power, stamped every feature of the work with inefficiency.

The deficiency of powers in the Confederation was immediately manifested in their inability to regulate the commerce of the country, and to raise a revenue, indispensable for the discharge of the debt accumulated in the progress of the Revolution. Repeated efforts were made to supply this deficiency ; but always without success.

On the 3d of February, 1781, it was recommended to the several States as indispensably necessary that they should vest a power in Congress to levy for the use of the United States a duty of five per cent. ad valorem upon foreign importations, and all prize goods condemned in a Court of Admiralty ; the money arising from those duties to be appropriated to the discharge of the debts contracted for the support of the War.

On the 18th of April, 1783, a new recommendation was adopted by Resolutions of nine States, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debt to invest the Congress with a power to lay certain specific duties upon spirituous liquors, tea, sugar, coffee and cocoa, and five per cent. ad valorem upon all other imported articles of merchandise, to be exclusively appropriated to the payment of the principal or interest of the public debt.

And that as a further provision for the payment of the interest of the debt, the States themselves should

levy a revenue to furnish their respective quotas of an aggregate annual sum of one million five hundred thousand dollars.

And that to provide a further guard for the payment of the same debts, to hasten their extinguishment, and to establish the harmony of the United States the several States should make liberal cessions to the Union of their territorial claims.

With this act a Committee consisting of Mr. MADISON, Mr. Ellsworth and Mr. Hamilton was appointed to prepare an address to the States, which on the 26th of the same month was adopted, and transmitted together with eight documentary papers, demonstrating the necessity that the measures recommended by the act should be adopted by the States.

This address, one of those incomparable State papers which more than all the deeds of arms, immortalized the rise, progress and termination of the North American revolution was the composition of JAMES MADISON. After compressing into a brief and luminous summary all the unanswerable arguments to induce the restoration and maintenance of the public faith; it concluded with the following solemn and prophetic admonition.

“Let it be remembered finally, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of the author of these rights on the means exerted for their defence, they have prevailed over all opposition, and form the basis of thirteen independent States. No instance has heretofore occurred nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican Government can pretend to so fair an opportunity

of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all the other qualities, which ennoble the character of a nation, and fulfil the ends of Government be the fruits of our establishments, the cause of Liberty will acquire a dignity and lustre which it has never yet enjoyed ; and an example will be set which cannot but have the most favorable influence on the rights of mankind. If on the other side, our Governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed ; the last and fairest experiment in favor of the rights of human nature will be turned against them ; and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation."

My countrymen ! do not your hearts burn within you at the recital of these words, when the retrospect brings to your minds the time when, and the persons by whom they were spoken ? Compare them with the closing paragraphs of the address from the first Congress of 1774, to your forefathers, the people of the Colonies.

" Your own salvation and that of your posterity now depends upon yourselves. Against the temporary inconveniences you may suffer from a stoppage of Trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the Honor of your Country that must from your behavior take its title in the estimation of the world to Glory or to Shame ; and you will, with the deepest attention

reflect, that if the peaceable mode of opposition recommended by us be broken and rendered ineffectual ; you must inevitably be reduced to choose either a more dangerous contest, or a final ruinous and infamous submission. We think ourselves bound in duty to observe to you that the schemes agitated against these Colonies have been so conducted as to render it prudent that you should extend your views to mournful events and be in all respects prepared for every contingency."

That was the trumpet of summons to the conflict of the revolution ; as the address of April, 1783 was the note of triumph at its close. They were the first and the last words of the Spirit, which in the germ of the Colonial contest, brooded over its final fruit, the universal emancipation of civilized man.

Compare them both with the opening and closing paragraphs of the Declaration of Independence, too deeply riveted in your memories to need the repetition of them by me ; and you have the unity of action essential to all heroic achievement for the benefit of mankind, and you have the character from its opening to its close ; the beginning the middle and the end of that unexampled, and yet unimitated moral and political agent, the Revolutionary North American Congress.

But the Address of 1783 marks the commencement of one aera in American History as well as the close of another. MADISON, Ellsworth, Hamilton, were not of the Congress of 1774, nor yet of the Congress which declared Independence. They were of a succeeding generation, men formed in and by the revolution itself. They had imbibed the Spirit of the revolution, but the nature of their task was

changed. Theirs was no longer the duty to call upon their countrymen to extend their views to mournful events, and to prepare themselves for every contingency. But more emphatically than even the Congress of 1774 were they required to warn their fellow citizens that their salvation and that of their posterity depended upon themselves.

The warfare of self-defence against foreign oppression was accomplished. Independence, unqualified, commercial and political was achieved and recognised. But there was yet in substance no nation—no people—no country common to the Union. These had been self-formed in the heat of the common struggle for freedom; and evaporated in the very success of the energies they had inspired. A Confederation of separate State Sovereignities, never sanctioned by the body of the people, could furnish no effective Government for the nation. A cold and lifeless indifference to the rights, the interests, and the duties of the Union had fallen like a palsy upon all their faculties instead of that almost supernatural vigor which at the origin of their contest had inscribed upon their banners, and upon their hearts “join or die.”

In November, 1783, Mr. MADISON's constitutional term of service in Congress as limited by the restriction in the articles of Confederation, expired. But his talents were not lost to his Country. He was elected the succeeding year a member of the Legislature of his native State, and continued by annual election in that station till November, 1786, when having become re-eligible to Congress, he was again returned to that body, and on the 12th of February, 1787, resumed his seat among its members.

In the Legislature of Virginia, his labors, during his

absence of three years from the general councils of the Confederacy, were not less arduous and unremitting, nor less devoted to the great purposes of revolutionary legislation, than while he had been in Congress. The Colony of Virginia had been settled under the auspices of the Episcopal Church of England. It was there the established Church; and all other religious denominations, there, as in England, were stigmatized with the name of dissenters. For the support of this Church the Colonial laws prior to the revolution had subjected to taxation all the inhabitants of the Colony, and it had been endowed with grants of property by the Crown. The effect of this had naturally been to render the Church establishment unpopular, and the clergy of that Establishment generally unfriendly to the revolution. After the close of the War, in the year 1784, Mr. Jefferson introduced into the Legislature a Bill for the establishment of Religious Freedom. The principle of the Bill was the abolition of all taxation for the support of Religion, or of its Ministers, and to place the freedom of all religious opinions wholly beyond the control of the Legislature. These purposes were avowed, and supported by a long argumentative preamble. The Bill failed however to obtain the assent of the assembly, and instead of it they prepared and caused to be printed a Bill establishing a provision for teachers of the Christian Religion. At the succeeding session of the Legislature, Mr. Jefferson was absent from the country, but Mr. MADISON, as the champion of Religious Liberty supplied his place. A memorial and Remonstrance against the Bill making provision for the teachers of the Christian Religion was composed by Mr. MADISON, and signed by multitudes of the citizens of

the Commonwealth, and the Bill drafted by Mr. Jefferson, together with its preamble, was by the influence of his friend triumphantly carried against all opposition through the Legislature.

The principle that religious opinions are altogether beyond the sphere of legislative controul, is but one modification of a more extensive axiom, which includes the unlimited freedom of the press ; of speech, and of the communication of thought in all its forms. An authoritative provision by law for the support of teachers of the Christian Religion was prescribed by the third Article of the Bill of Rights in the Constitution of this Commonwealth. An amendment recently adopted by the people has given their sanction to the opinions of Jefferson and MADISON, and the substance of the Virginian Statute for the establishment of Religious Freedom, now forms a part of the Constitution of Massachusetts. That the freedom and communication of thought is paramount to all legislative authority, is a sentiment becoming from day to day more prevalent throughout the civilized world, and which it is fervently to be hoped will henceforth remain inviolate by the legislative authorities not only of the Union, but of all its confederated States.

At the Session of 1785, a general revisal was made of the Statute Laws of Virginia, and the great burden of the task devolved upon Mr. MADISON as chairman of the Judiciary Committee of the House. The general principle which pervaded this operation was the adaptation of the civil code of the Commonwealth, to its republican and unfettered independence as a Sovereign State, and he carried it through with that same spirit of liberty and liberality which had

dictated the Act for the establishment of Religious Freedom. The untiring industry, the searching and penetrating application, the imperturbable patience, the moderation and gentleness of disposition, which smoothed his way over the ruggedest and most thorny paths of life, accompanied him through this transaction as through all the rest. While a member of the Legislature of Virginia, he had contributed more than any other person to the adjustment of that vital interest of the Union, the disposal of the Public Lands. It was the collision of opinions and of interests relating to them which had delayed the conclusion of the Articles of Confederation, and the cession afterwards made of the North Western Territory was encumbered with conditions which further delayed its acceptance. By the influence of Mr. MADISON, the terms of the cession were so modified, that in conformity with them the ordinance for the government of the North Western Territory was finally adopted and established by Congress on the 13th of July, 1787, in the midst of the labors of the Convention at Philadelphia, which two months later presented to *the People* of the United States for their acceptance, that Constitution of Government, thenceforth the polar star of their Union.

The experience of four years in the Congress of the Confederation, had convinced Mr. MADISON that the Union could not be preserved by means of that institution. That its inherent infirmity was a deficiency of power in the federal head, and that an insurmountable objection to the grant of further powers to Congress, always arose from the adverse prejudices and jealousy with which the demand of them was urged by that body itself. The difficulty of obtain-

ing such grant of power, was aggravated by the consideration that it was to be invested in those by whom it was solicited, and was at the same time, and in the same degree, to abridge the power of those by whom it was to be granted.

To avoid these obstacles it occurred to Mr. MADISON that the agency of a distinct, delegated body, having no invidious interest of its own, or of its members, might be better adapted, deliberately to discuss the deficiencies of the federal compact, than the body itself by whom it was administered. The friends with whom he consulted in the Legislature of Virginia, concurred with him in these opinions, and the motion for the appointment of Commissioners to consider of the state of *trade* in the confederacy suggested by him, was made in the Legislature by his friend, Mr. Tyler, and carried by the weight of his opinions, and the exertion of his influence, without opposition.

This proposition was made and Commissioners were appointed by the Legislature of Virginia, on the 21st of January, 1786. The Governor of the Commonwealth, Edmund Randolph, was placed at the head of the delegation from the State. Mr. MADISON and six others, men of the first character and influence in the State, were the other Commissioners. The meeting was held at Annapolis in September, and two Commissioners from New York, three from New Jersey, one from Pennsylvania, three from Delaware, and three from Virginia, constituted the whole number of this Convention. Five States only were represented, and among them, Pennsylvania by a single member. Four States, among

whom was Maryland, the very State within which the Assembly was held, had not even appointed Commissioners and the deputies from four others, among whom was our own beloved, native Commonwealth, suffering, even then, the awful calamity of a civil war, generated by the imbecility of the federal compact of union, did not even think it worth while to give their attendance.

Yet even in that Convention of Annapolis, was the gem of a better order of things. The Commissioners elected John Dickinson, of Delaware, their chairman, and after a session of three days, agreed upon a report, doubtless drafted by Mr. MADISON,—addressed to the Legislatures by which they had been appointed, and copies of which were transmitted to the other State Legislatures and to Congress.

In this report they availed themselves of a suggestion derived from the powers which the Legislature of New Jersey had conferred upon their Commissioners, and which contemplated a more enlarged revision of the Articles of Confederation, and they urgently recommended that a second convention of delegates to which all the States should be invited to appoint Commissioners, should be held at Philadelphia, on the second Monday of the next May, for a general revisal of the *Constitution* of the Federal Government, to render it adequate to the exigencies of the Union, and to report to Congress an act, which, when agreed to by them and confirmed by all the State Legislatures, *should* effectually provide for the same. In this report, first occurred the use of the terms *Constitution of the Federal Government* as applied to the United States—and the sentiment was avowed that it should

be made adequate to the exigencies of the Union. There was, however, yet no proposal for recurring to the great body of the people.

The recommendation of the report was repeated by Congress without direct reference to it, upon a resolution offered by the delegation of Massachusetts, founded upon a proviso in the Articles of Confederation and upon instructions from the State of New York to their delegates in Congress, and upon the suggestion of several States. The Convention assembled accordingly at Philadelphia, on the 9th of May, 1787.

In most of the inspirations of genius, there is a simplicity, which, when they are familiarized to the general understanding of men by their effects, detracts from the opinion of their greatness. That the people of the British Colonies, who, by their united counsels and energies had achieved their independence, should continue to be one people, and constitute a nation under the form of one organized government, was an idea, in itself so simple, and addressed itself at once so forcibly to the reason, to the imagination, and to the benevolent feelings of all, that it can scarcely be supposed to have escaped the mind of any reflecting man from Maine to Georgia. It was the dictate of nature. But no sooner was it conceived than it was met by obstacles innumerable and insuperable to the general mass of mankind. They resulted from the existing social institutions, diversified among the parties to the projected national union, and seeming to render it impracticable. There were chartered rights for the maintenance of which the war of the revolution itself had first been waged. There were State Sovereignities, corporate feudal

baronies, tenacious of their own liberty, impatient of a superior and jealous, and disdainful of a paramount Sovereign, even in the whole democracy of the nation. There were collisions of boundary and of proprietary right westward in the soil—southward, in its cultivator. In fine the diversities of interests, of opinions, of manners, of habits, and even of extraction were so great, that the plan of constituting them one People, appears not even to have occurred to any of the members of the Convention before they were assembled together.

It was earnestly contested in the Convention itself. A large proportion of the members adhered to the principle of merely revising the articles of the Confederation and of vesting the powers of Government in the confederate Congress. A proposition to that effect was made by Mr. Patterson of New Jersey, in a series of Resolutions, offered as a substitute for those of Mr. Randolph immediately after the first discussions upon them.

Nearly four months of anxious deliberation were employed by an assembly composed of the men who had been the most distinguished for their services civil and military, in conducting the country through the arduous struggles of the revolution—of men who to the fire of genius added all the lights of experience and were stimulated by the impulses at once of ardent patriotism and of individual ambition aspiring to that last and most arduous labor of constituting a nation destined in after times to present a model of Government for all the civilized nations of the earth. On the 17th of September 1787, they reported.

When the substance of their work was gone through a Committee of five members of whom Mr. MADISON

was one, was appointed to revise the style, and to arrange the Articles which had been agreed to by the Convention, and this Committee was afterwards charged with the preparation of an address to the People of the United States.

The address to the People was reported in the form of a Letter from Washington the President of the Convention to the President of Congress ; a Letter, admirable for the brevity and the force with which it presents the concentrated argument for the great change of their condition, which they called upon their fellow citizens to sanction. . And this Letter, together with an addition of two or three lines in the preamble, reported by the same Committee, did indeed comprise the most powerful appeal that could sway the heart of man, ever exhibited to the contemplation and to the hopes of the human race.

It did not escape the notice or the animadversion of the adversaries to this new national organization. They were at the time when the Constitution was promulgated, perhaps more numerous, and scarcely less respectable, than the adherents to the Constitution themselves. They had also in the management of the discussion, almost all the popular side of the argument.

Government in the first and most obvious aspect which it assumes, is a restraint upon human action, and as such a restraint upon Liberty. The Constitution of the United States was intended to be a government of great energy, and of course of extensive restriction not only upon individual Liberty but upon the corporate action of States claiming to be Sovereign and Independent. The Convention had been aware that such restraints upon the People, could be imposed

by no earthly power other than the People themselves. They were aware that to induce the People to impose upon themselves such binding ligaments, motives not less cogent than those, which form the basis of human association were indispensably necessary. That the first principles of politics must be indissolubly linked with the first principles of morals. They assumed therefore the existence of a People of the United States, and made them declare the Constitution to be their own work—speaking in the first person and saying *We the People* of the United States, do ordain and establish this Constitution for the United States of America—and then the allegation of motives—to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity. These are precisely the purposes for which it has pleased the author of nature to make man a social being, and has blended into one his happiness with that of his kind.

So cogent were these motives and so forcibly were they compressed within the compass of this preamble, and in the Letter from President Washington to the President of Congress, that this body immediately and unanimously adopted the resolutions of the Convention, recommending that the projected Constitution should be transmitted to the Legislatures of the several States, to be by them submitted to Conventions of Delegates, to be chosen in each State by the People thereof, under the recommendation of its Legislature, for their assent and ratification. This unanimity of Congress is perhaps the strongest evidence ever manifested of the utter contempt into which the

Articles of Confederation had fallen. The Congress which gave its unanimous sanction to the measure was itself to be annihilated by the Constitution thus proposed. The Articles of Confederation were to be annihilated with it. Yet all the members of the Congress so ready to sanction its dissolution, had been elected by virtue of those Articles of Confederation—to them the faith of all the States had been pledged, and they had expressly prescribed that no alteration of them should be adopted, but by the unanimous consent of the States.

Thus far the proposal first made by Mr. MADISON in the Legislature of Virginia, for the new political organization of the Union, had been completely successful. A People of the United States was formed. A Government, Legislative, Executive and Judicial was prepared for them, and by a daring though unavoidable anticipation, had been declared by its authors to be the Ordinance of that people themselves. It could be made so only by their adoption. But the greatest labor still remained to be performed. The people throughout the Union were suffering, but a vast proportion of them were unaware of the cause of the evil that was preying upon their vitals. A still greater number were bewildered in darkness in search of a remedy, and there were not wanting those among the most ardent and zealous votaries of Freedom, who instead of adding to the powers of the general Congress, inefficient and imbecile as they were, inclined rather to redeem the confederacy from the forlorn condition to which it was reduced by stripping the Congress of the pittance of power which they possessed. In the indulgence of this spirit the Delegates from our own Commonwealth of Massachusetts, by express in-

structions from their constituents moved a Resolution that the election and acceptance of any person as a member of Congress should forever thereafter be deemed to disqualify such person from being elected by Congress to any office of trust or profit under the United States for the term for which he should have been elected a member of that body.

This morbid terror of patronage, this patriotic anxiety lest corruption should creep in by appointments of members of Congress to office under the authorities of the Union, has often been reproduced down even to recent days under the present Government of the Union. Upon the theories or the practice of the present age, it is not the time or the place here to comment. But we cannot forbear to remark upon the solicitude of our venerable forefathers in this Commonwealth, to remedy the imperfection of the Articles of Confederation, the abuses of power, by the Congress of that day, and the avenues to corruption by the appointment of their members to office, when we consider that under the exclusions thus proposed, Washington could never have commanded the armies of the United States: That neither Franklin, John Adams, Arthur Lee, John Jay, Henry Laurens, Thomas Jefferson, Robert Morris, nor Robert R. Livingston could have served them as Ministers abroad, or in any ministerial capacity at home—and when we reflect that two public Ministers in Europe with their Secretaries, one Secretary of Foreign Affairs, one Secretary of War and three Commissioners of an empty Treasury, constituted the whole list of lucrative offices civil and military which they had to bestow.

This incident may serve as an illustration of the difficulties which were yet to be encountered before

the People of the United States could be prevailed upon to fix their seal of approbation upon a constitution issued in their name, and which granted to a central Government destined to rule over them all, powers of energy surpassing those of the most absolute monarchy, and forming in the declared opinion of Jefferson, the strongest Government in the world.

In a people inhabiting so great an extent of Territory, the difficulties to be surmounted before they could be persuaded to adopt this Constitution, were aggravated both by their dissensions and by their agreements—by the diversity of their interests and the community of their principles. The collision of interests strongly tended to alienate them from one another, and all were alike imbued with a deep aversion to any unnecessary grant of power. The Constitution was no sooner promulgated, than it was assailed in the public journals from all quarters of the Union.

The Convention was boldly and not unjustly charged with having transcended their powers, and the Congress of the Confederation, were censured in no measured terms for having even referred it to the State Legislatures, to be submitted to the consideration of Conventions of the People.

The Congress of the Confederation were in session at New York. Several of its members had been at the same time members of the Convention at Philadelphia—and among them were JAMES MADISON and Alexander Hamilton. John Jay was not then a member of Congress nor had he been a member of the Convention—but he was the Secretary of Congress for foreign affairs and had held that office, from the time of his return from Europe, immediately after the conclusion of the definitive Treaty of Peace. He

had therefore felt in its most painful form the imbecility of the Confederacy of which he was the minister, equally incapable of contracting engagements with foreign powers with the consciousness of the power to fulfil them, or of energy to hold foreign nations to the responsibility of performing the engagements contracted on their part with the United States. New York then the central point of the confederacy was the spot whence the most effective impression could be made by cool dispassionate argument on the public mind ; and in the midst of the tempest of excitement throughout the country occasioned by the sudden and unexpected promulgation of a system so totally different from that of the Confederation, these three persons undertook in concert, by a series of popular Essays published in the daily journals of the time, to review the system of the confederation, to demonstrate its inaptitude not only to all the functions of Government, but even to the preservation of the Union, and the necessity of an establishment at least as energetic as the proposed Constitution to the very existence of the United States as a Nation.

The papers under the signature of Publius were addressed to the People of the State of New York, and the introductory Essay written by Hamilton, declared the purpose to discuss all the topics of interest connected with the adoption of the Constitution. The utility of the Union to the prosperity of the People : The insufficiency of the Confederation to preserve that Union : The necessity of an energetic Government : The conformity of the proposed Constitution to the true principles of a republican Government : Its analogy to the Constitution of the State of New-York, and the additional security which its adoption would

afford to the preservation of republican Government, to liberty and to property. The fulfilment of this purpose was accomplished in eighty six numbers frequently since republished, and now constituting a classical work in the English language, and a commentary upon the Constitution of the United States, of scarcely less authority than the Constitution itself. Written in separate numbers, and in very unequal proportions, it has not indeed that entire unity of design, or execution which might have been expected had it been the production of a single mind. Nearly two thirds of the papers were written by Mr. Hamilton. Nearly one third by Mr. MADISON and five numbers only by Mr. Jay.

In the distribution of the several subjects embraced in the plan of the work, the inducements to adopt the Constitution arising from the relations of the Union with foreign nations, were presented by Mr Jay; the defects of the Confederation in this respect were so obvious and the evil consequences flowing from them were so deeply and universally felt, that the task was of comparative ease, and brevity, with that of the other two contributors. The defects of the Confederation were indeed a copious theme for them all; and in the analysis of them, for the exposition of their bearing on the Legislation of the several States the two principal writers treated the subject so as to interlace with each other. The 18th, 19th and 20th numbers are the joint composition of both. In examining closely the points selected by these two great co-operators to a common cause, and their course of argument for its support, it is not difficult to perceive that diversity of genius and of character which afterwards separated them so widely from each other on

questions of political interest, affecting the construction of the Constitution which they so ably defended, and so strenuously urged their countrymen to adopt. The ninth and tenth numbers are devoted to the consideration of the utility of the Union as a safeguard against domestic faction and insurrection. They are rival dissertations upon Faction and its remedy. The propensity of all free governments to the convulsions of faction is admitted by both. The advantages of a confederated republic of extensive dimensions to control this admitted and unavoidable evil, are insisted on with equal energy in both—but the ninth number written by Hamilton, draws its principal illustrations from the history of the Grecian Republics ; while the tenth written by MADISON, searches for the disease and for its remedies in the nature and the faculties of *Man*. There is in each of these numbers a disquisition of critical and somewhat metaphysical refinement. That of Hamilton, upon a distinction, which he pronounces more subtle than accurate between a *confederacy* and *consolidation* of the States. That of MADISON upon the difference between a *Democracy* and a *Republic*, as differently affected by Faction, meaning by a Democracy, a Government administered by the People themselves, and by a Republic, a Government by elective representation. These distinctions in both cases have, in our experience of the administration of the general Government, assumed occasional importance, and formed the elements of warm and obstinate party collisions.

The fourteenth number of the Federalist, the next in the series written by Mr. MADISON, is an elaborate answer to an objection which had been urged against the Constitution, drawn from the extent of country,

then comprised within the United States. From the deep anxiety pervading the whole of this paper, and a most eloquent and pathetic appeal to the spirit of union, with which it concludes, it is apparent that the objection itself was in the mind of the writer, of the most formidable and most plausible character. He encounters it with all the acuteness of his intellect and all the energy of his heart. His chief argument is a recurrence to his previous distinction between a Republic and a Democracy—and next to that by an accurate definition of the boundaries within which the United States were then comprised. The range between the 31st and 45th degree of North Latitude, the Atlantic and the Mississippi—he contends that *such* an extent of territory, with the great improvements which were to be expected in the facilities of communication between its remotest extremes, was *not* incompatible with the existence of a confederated republic—or at least that from the vital interest of the people of the Union, and of the Liberties of mankind in the success of the American Revolution, it was worthy of an experiment yet untried in the annals of the world.

The question to what extent of territory a confederate Republic, under one general government may be adopted, without breaking into fragments by its own weight, or settling into a monarchy, subversive of the liberties of the people, is yet of transcendent interest, and of fearful portent to the people of the Union. The Constitution of the United States was formed for a people inhabiting a territory confined to narrow bounds, compared with those which can scarcely be said to confine them now. The acquisition of Louisiana and of Florida have more than doubled our domain; and our settlements and our

treaties have already removed our Western boundaries from the Mississippi to the Pacific Ocean. A colonial establishment of immense extent still hangs upon our Northern borders, and another confederate Republic, seems to offer the most alluring spoils, to our ambition and avarice at the South. The idea of embracing in one confederated government the whole continent of North America, has, at this day, nothing chimerical in its conception, and long before a lapse of time equal to that which has past since the 14th number of the Federalist was written, may require the invincible spirit and the uncompromising energy of our revolutionary struggle for its solution.

The other papers of the Federalist, written by Mr. MADISON, are from the 37th to the 58th number inclusive. They relate to the difficulties which the Convention had experienced in the formation of a proper plan. To its conformity with Republican principles, with an apologetic defence of the body for transcending their powers. To a general view of the powers vested by the plan in the general government, and a comparative estimate of the reciprocal influence of the general and of the State governments with each other. They contain a laborious investigation of the maxim which requires a separation of the departments of power, and a discussion of the means for giving to it practical efficacy—and they close with an examination critical and philosophical of the organization of the House of Representatives in the Constitution of the United States—with reference to the qualifications of the electors and elected—to the term of service of the members; to the ratio of representation; to the total number of the body; and to the expected subsequent augmentation of the mem-

bers—and here he met and refuted an objection to the plan founded upon its supposed tendency to elevate the few above the many. These were the topics discussed by JAMES MADISON, and in leaving to his illustrious associate the developement of the other Departments of the Senate, of the Executive, of the Judiciary, and the bearing of the whole systems upon the militia, the commerce and revenues, the military and naval establishments, and to the public economy, it was doubtless because both from inclination and principle he preferred the consideration of those parts of the instrument which bore upon popular right, and the freedom of the citizens to that of the aristocratic and monarchical elements of the whole fabrick.

The papers of the Federalist had a powerful, but limited influence upon the public mind. The Constitution was successively submitted to Conventions of the People, in each of the thirteen States, and in almost every one of them was debated against oppositions of deep feeling, and strong party excitement. The authors of the Federalist were again called to buckle on their armour in defence of their plan. The Convention for the Commonwealth of Virginia, met in June, 1788, nine months after the Constitution had been promulgated. It had already been ratified by seven of the States, and New Hampshire, at an adjourned session of her Convention, adopted it while the Convention of Virginia were in session. The assent of that State was therefore to complete the number of nine, which the Constitution itself had provided should be sufficient for undertaking its execution between the ratifying States. A deeper interest was then involved in the decision of Virginia,

than in that of any other member of the Confederacy, and in no State had the opposition to the plan been so deep, so extensive, so formidable as there. Two of her citizens, second only to Washington, by the weight of their characters, the splendor of their public services and the reputation of their genius and talents, Patrick Henry, the first herald of the Revolution in the South, as James Otis had been at the North, and Thomas Jefferson, the author of the Declaration of Independence, and the most intimate and confidential friend of MADISON himself, disapproved the Constitution. Jefferson was indeed at that time absent from the State and the country, as the representative of the United States at the Court of France. His objections to the Constitution were less fervent and radical. Patrick Henry's opposition was to the whole plan, and to its fundamental principle the change from a confederation of Independent States, to a complicated government, partly federal, and partly national. He was a member of the Virginia Convention ; and there it was that Mr. MADISON was destined to meet and encounter, and overcome the all but irresistible power of his eloquence, and the inexhaustible resources of his gigantic mind.

The debates in the Virginia Convention furnish an exposition of the principles of the Constitution, and a Commentary upon its provisions not inferior to the papers of the Federalist. Patrick Henry pursued his hostility to the system into all its details ; objecting not only to the Preamble and the first Article, but to the Senate, to the President, to the Judicial Power, to the treaty making power, to the controul given to Congress over the militia, and especially to the omission of a Bill of Rights—seconded and sustained

with great ability by George Mason, who had been a member of the Convention which formed the Constitution, by James Monroe and William Grayson, there was not a controvertible point, real or imaginary in the whole instrument which escaped their embittered opposition ; while upon every point Mr. MADISON was prepared to meet them, with cogent argument, with intense and anxious feeling, and with mild, conciliatory gentleness of temper, disarming the adversary by the very act of seeming to decline contention with him. Mr. MADISON devoted himself particularly to the task of answering and replying to the objections of Patrick Henry, following him step by step, and meeting him at every turn. His principal co-adjutors were Governor Randolph, Edmund Pendleton, the President of the Convention, John Marshall, George Nicholas, and Henry Lee of Westmoreland. Never was there assembled in Virginia a body of men, of more surpassing talent, of bolder energy, or of purer integrity than in that Convention. The volume of their debates should be the pocket and the pillow companion of every youthful American aspiring to the honor of rendering important service to his country ; and there as he reads and meditates, will he not fail to perceive the steady, unfaltering mind of JAMES MADISON, marching from victory to victory, over the dazzling but then beclouded genius and eloquence of Patrick Henry.

The result was the unconditional ratification by a majority of only eight votes, of the Constitution of the United States on the part of the Commonwealth of Virginia, together with resolutions, recommending sundry amendments to supply the omission of a Bill of Rights. The example for this had been first set by

the Convention of Massachusetts, at the motion of John Hancock, and it was followed by several other of the State Conventions, and gave occasion to the first ten Articles, amendatory of the Constitution prepared by the first Congress of the United States and ratified by the competent number of the State Legislatures, and which supply the place of a Bill of rights.

In the organization of the Government of the United States, Washington the leader of the armies of the revolution, the President of the Convention which had prepared the Constitution for the acceptance of the People—first in War, first in Peace, and first in the hearts of his Countrymen, was by their unanimous voice called to the first Presidency of the United States. For his assistance in the performance of the functions of the Executive power, after the Institution by Congress of the chief Departments, he selected Alexander Hamilton for the office of Secretary of the Treasury, and Thomas Jefferson for that of Secretary of State. Mr. MADISON was elected one of the members of the House of Representatives in the first Congress of the United States under the Constitution.

The Treasury itself was to be organized. Public credit, prostrated by the impotence of the Confederation was to be restored, provision was to be made for the punctual payment of the public debt—taxes were to be levied—the manufactures, commerce and navigation of the Country were to be fostered and encouraged; and a system of conduct towards foreign powers was to be adopted and maintained. A Judiciary system was also to be instituted, accommodated to the new and extraordinary character of the general Government. A permanent seat of Government was to be selected and subjected to the exclusive jurisdic-

tion of Congress; and the definite action of each of the Departments of the Government was to be settled and adjusted. In the councils of President Washington, divisions of opinion between Mr. Jefferson and Mr. Hamilton soon widened into collisions of principle and produced mutual personal estrangement and irritation. In the formation of a general system of policy for the conduct of the Administration in National concerns at home and abroad, different views were taken by Mr. Jefferson and Mr. Hamilton, which Washington labored much but with little success to conciliate. Hamilton, charged by successive calls from the House of Representatives, for reports of Plans for the restoration of public credit; upon the protection and encouragement of Manufactures, and upon a National Mint and a Bank, transmitted upon each of those subjects reports of consummate ability and proposed plans most of which were adopted by Congress almost without alteration. The Secretary of State during the same period made reports to Congress, not less celebrated, on the Fisheries, on the system of commercial regulations most proper to be established, and upon weights and measures. Negotiations with foreign powers, which the inefficiency of the confederation had left in a lamentable and languishing condition, humiliating to the national honor and reputation, were resumed and reinstituted, and by long and complicated correspondencies with the Governments of Great Britain, Spain and France, the National character was in the first term of the administration of Washington redeemed and exhibited to the world with a splendor never surpassed and which gave to the tone of our national intercourse with the Sovereigns of the earth a dignity, a firmness, a candor and moderation, which shamed

the blustering and trickish diplomacy of Europe at that day and shed a beam of unfading glory upon the name of republican America. But the National Constitution had not only operated as if by enchantment a most auspicious revolution in the character and reputation of the newly independent American People; it had opened new avenues to honor and power and fame, and new prospects to individual ambition.

No sooner was the new Government organized than the eyes, the expectations and the interests and passions of men turned to the designation of the succession to the Presidency, when the official term of Washington should be completed. His own intention was to retire at the expiration of the first four years allotted to the service. The candidates of the North and the South supported by the geographical sympathies of their respective friends were already giving rise to the agency of political combinations. The Northern candidate was not yet distinctly designated, but before the expiration of the first Congress, Mr. Jefferson was the only intended candidate of the South.

The Protection of Manufactures, the restoration of public credit, the recovery of the securities of the public debt from a state of depreciation little short of total debasement, and the facilities of exchange and of circulation furnished by the establishment of a National Bank were of far deeper interest to the commercial and Atlantic than to the plantation States. Mr. Jefferson's distrust and jealousy of the powers granted by the Constitution followed him into office and were perhaps sharpened by the successful exercise of them, under the auspices of a rival statesman; he insisted upon a rigid construction of all the grants of power—he denied the Constitutional power of Congress to es-

tablish Corporations and especially a National Bank. The question was discussed in the Cabinet Council of Washington and written opinions of Mr. Jefferson and of Edmund Randolph, then Attorney General against the Constitutional power of Congress to establish a Bank were given. With these opinions Mr. MADISON then concurred. Other questions of justice and expediency connected with the funding system of Mr. Hamilton gave rise to warm and acrimonious debates in Congress, and mingling with the sectional divisions of the Union, and with individual attachments to men, gave an impulse and direction to party spirit which has continued to this day, and however modified by changes of times, of circumstances and of men can never be wholly extinguished. Too happy should I be, if with a voice speaking from the last to the coming generation of my country, I could effectively urge them to seek in the temper and moderation of JAMES MADISON that healing balm which assuages the malignity of the deepest seated political disease, redeems to life the rational mind and restores to health the incorporated union of our country, even from the brain fever of party spirit.

To the sources of dissensions and the conflicts of opinion transmitted from the confederation or generated by the organization of the new Government were soon added the confluent streams of the French revolution and its complication of European Wars. There were features in the French revolution closely resembling our own; there were points of national interest in both Countries well adapted to harmonize their relations with each other, and a sentiment of gratitude rooted in the hearts of the American People by the recent remembrance of the benefits derived from the

alliance with France and community of cause against Britain engaged all our sympathies in favor of the People of France, subverting their own Monarchy; and when her War, first kindled with Austria and Prussia spread its flames to Great Britain, the partialities of resentment and hatred, deepening the tide and stimulating the current of more kindly and benevolent affections, became so ardent and impetuous that there was imminent danger of the country's being immediately involved in the War on the side of France—a danger greatly aggravated by the guaranty to France of her Islands in the West Indies. The subject immediately became a cause of deliberation in the Executive Cabinet and discordant opinions again disclosed themselves between the Secretary of State and the Secretary of the Treasury.

On the 18th of April, 1793, President Washington submitted to his Cabinet thirteen questions with regard to the measures to be taken by him in consequence of the revolution which had overthrown the French monarchy; of the new organization of a republic in that country; of the appointment of a minister from that republic to the United States, and of the war, declared by the National Convention of France against Great Britain. The first of these questions was whether a proclamation should issue to prevent interferences of the citizens of the United States in the War? Whether the proclamation should or should not contain a declaration of neutrality? The second was whether a minister from the republic of France should be received. Upon these two questions the opinion of the Cabinet was unanimous in the affirmative—that a Proclamation of neutrality should issue—and that the minister from the French Republic should

be received. But upon all the other questions, the opinions of the four heads of the Departments were equally divided. They were indeed questions of difficulty and delicacy equal to their importance. No less than whether after a revolution in France annihilating the Government with which the treaties of alliance and of commerce had been contracted, the Treaties themselves were to be considered binding as between the nations ; and particularly whether the stipulation of guaranty to France of her possessions in the West Indies was binding upon the United States to the extent of imposing upon them the obligation of taking side with France in the War. As the members of the Cabinet disagreed in their opinions upon these questions, and as there was no immediate necessity for deciding them, the further consideration of them was postponed and they were never afterwards resumed. While these discussions of the Cabinet of Washington were held, the Minister Plenipotentiary from the French republic arrived in this country. He had been appointed by the National Convention of France which had dethroned, and tried, and sentenced to death, and executed Louis the XVIth, abolished the Monarchy and proclaimed a republic one and indivisible under the auspices of Liberty, equality and fraternity as thenceforth the Government of France. By all the rest of Europe they were then considered as revolted subjects in rebellion against their Sovereign ; and were not recognized as constituting an independent Government:

General Hamilton and General Knox were of opinion that the Minister from France should be conditionally received, with the reservation of the question, whether the United States were still bound to fulfil

the stipulations of the Treaties. They inclined to the opinion that the Treaties themselves were annulled by the revolution of the Government in France—an opinion to which the example of the revolutionary Government had given plausibility by declaring some of the Treaties made by the abolished Monarchy no longer binding upon the nation. Mr. Hamilton thought also that France had no just claim to the fulfilment of the stipulation of guaranty, because that stipulation and the whole treaty of Alliance in which it was contained were professedly and on the face of them only *defensive*, while the War which the French Convention had declared against Great Britain was on the part of France *offensive*, the first declaration having been issued by her—that the United States were at all events absolved from the obligation of the guaranty by their inability to perform it, and that under the Constitution of the United States the interpretation of Treaties and the obligations resulting from them, were within the competency of the Executive Department, at least concurrently with the Legislature. It does not appear that these opinions were debated or contested in the Cabinet. By their unanimous advice the Proclamation was issued and Edmund Charles Genet was received as Minister Plenipotentiary of the French Republic. Thus the Executive administration did assume and exercise the power of recognising a revolutionary foreign Government as a legitimate Sovereign with whom the ordinary diplomatic relations were to be entertained. But the Proclamation contained no allusion whatever to the Treaties between the United States and France, nor of course to the Article of Guaranty or its obligations.

Whatever doubts may have been entertained by a

large portion of the people, of the right of the Executive to acknowledge a new and revolutionary government, not recognized by any other Sovereign State, or of the sound policy of receiving without waiting for the sanction of Congress, a minister from a republic which had commenced her career by putting to death the king whom she had dethroned, and which had rushed into war with almost all the rest of Europe, no manifestation of such doubts was publicly made. A current of popular favor sustained the French Revolution, at that stage of its progress, which nothing could resist, and far from indulging any question of the right of the President to recognise a new revolutionary government, by receiving from it the credentials which none but Sovereigns can grant, the American People would, at that moment, have scarcely endured an instant of hesitation on the part of the President, which should have delayed for an hour the reception of the minister from the Republic of France. But the Proclamation enjoining neutrality upon the people of the United States, indirectly counteracted the torrent of partiality in favor of France, and was immediately assailed with intemperate violence in many of the public journals. The *right* of the Executive to issue any Proclamation of neutrality was fiercely and pertinaciously denied, as a usurpation of Legislative authority, and in that particular case it was charged with forestalling and prematurely deciding the question whether the United States were bound by the guaranty to France of her West India possessions, in the treaty of alliance to take side in the war with her against Great Britain—and with deciding it against France.

Mr. Jefferson had advised the Proclamation; but

he had not considered it as deciding the question of the guaranty. The government of the French Republic had not claimed and never did claim the performance of the guaranty. But so strenuously was the right of the President to issue the Proclamation contested, that Mr. Hamilton the first adviser of the measure deemed it necessary to defend it inofficially before the public. This he did in seven successive papers under the signature of Pacificus. But in defending the Proclamation, he appears to consider it as necessarily involving the decision against the obligation of the guaranty and maintains the right of the Executive so to decide. Mr. MADISON perhaps in some degree influenced by the opinions and feelings of his long cherished and venerated friend, Jefferson, was already harboring suspicions of a formal design on the part of Hamilton, and of the federal party generally to convert the government of the United States into a monarchy like that of Great Britain, and thought he perceived in these papers of Pacificus the assertion of a prerogative in the President of the United States to engage the nation in war. He therefore entered the lists against Mr. Hamilton in the public journals and in five papers under the signature of Helvidius, scrutinized the doctrines of Pacificus with an acuteness of intellect never perhaps surpassed and with a severity scarcely congenial to his natural disposition and never on any other occasion indulged. Mr. Hamilton did not reply; nor in any of his papers did he notice the animadversions of Helvidius. But all the Presidents of the United States have from that time exercised the right of yielding and withholding the recognition of governments consequent upon revolutions, though the exam-

ple of issuing a Proclamation of neutrality has never been repeated. The respective powers of the President and Congress of the United States, in the case of war with foreign powers are yet undetermined. Perhaps they can never be defined. The Constitution expressly gives to Congress the power of *declaring* war and that act can of course never be performed by the President alone. But war is often made without being declared. War is a state in which nations are placed not alone by their own acts, but by the acts of other nations. The *declaration* of war is in its nature a legislative act, but the conduct of war is and must be executive. However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power. In the case which gave rise to this controversy the recognition of the French Republic and the reception of her minister might have been regarded by the allied powers as acts of hostility to them, and they did actually interdict all neutral commerce with France. Defensive war must necessarily be among the duties of the Executive Chief Magistrate. The papers of Pacificus and Helvidius are among the most ingenious and profound Commentaries on that most important part of the Constitution, the distribution of the Legislative and Executive powers incident to war, and when considered as supplementary to the joint labors of Hamilton and MADISON in the Federalist, they possess a deep and monitory interest to the American philosophical Statesman. The Federalist exhibits the joint efforts of two powerful minds in promoting one great common

object, the adoption of the Constitution of the United States. The papers of Pacificus and Helvidius present the same minds, in collision with each other, exerting all their energies in conflict, upon the construction of the same instrument which they had so arduously labored to establish ; and it is remarkable that upon the points in the papers of Pacificus most keenly contested by his adversary, the most forcible of his arguments are pointed with quotations from the papers of the Federalist written by Mr. Hamilton.

But whether in conjunction with or in opposition to each other, the co-operation or the encounter of intellects thus exalted and refined, controlled by that moderation and humanity, which have hitherto characterised the history of our Union, cannot but ultimately terminate in spreading light and promoting peace among men. Happy, thrice happy the people, whose political oppositions and conflicts have no ultimate appeal but to their own reason ; of whose party feuds the only conquests are of argument, and whose only triumphs are of the mind. In other ages and in other regions of our own, the question of the respective powers of the Legislature and of the Executive with reference to war, might itself have been debated in blood and sent numberless victims to their account on the battle-field or the scaffold. So it was in the sanguinary annals of the French Revolution. So it has been and yet is in the successive revolutions of our South American neighbors. May that merciful Being who has hitherto overruled all our diversities of opinion, tempered our antagonizing passions, and conciliated our conflicting interests, still preside in all our councils and in the tempests of our civil commotions, still ride in the whirlwind and direct the storm.

It was indeed at one of the most turbulent and tempestuous periods of human history that the Constitution of the United States first went into operation. It was convulsed not only by the convulsions of the old world but by tumultuary agitations of the most alarming character and tendency from within. Such were the dangers and the difficulties with which the Government of the United States from the first moment of its organization under Washington was beset and surrounded, that they undoubtedly led him to the determination to withdraw from the charge and responsibility of presiding over it, at as early a period as possible. It was with difficulty that he was prevailed upon to postpone the execution of this design till the expiration of a second term of service ; but so radically different were the opinions and the systems of policy of Washington's two principal advisers, especially with reference to the external relations of the United States, that he was unable to retain beyond the limits of the first term their united assistance in his Cabinet. In the struggle to maintain the neutrality which he had proclaimed, and in the festering inflammation of interests and passions, gathering with the progress of the French revolution, he coincided more in judgment with the Secretary of the Treasury than with the Secretary of State, and they successively retired from their offices, in which each of them had rendered the most important services and contributed to raise the Country and its Government high in the estimation of the world, but unfortunately without being able to harmonise, and finally, even to co-operate with each other.

Mr. Jefferson's retirement was first in order—it was voluntary but under circumstances of dissatisfac-

tion at the prevalence of the Councils of his rival in the Cabinet—and under irritated prepossessions of a deliberate design, in Hamilton, and of all the leading supporters of Washington's administration, to shape the Government of the United States into a Monarchy like that of Great Britain. This exasperated feeling, nourished by the political controversy then blazing in all its fury in the War between France and the monarchies of Europe, gradually became the main spring of the opposition to Washington's administration; an opposition which from that time looked to Jefferson as their leader, and head. This opposition, fomented by the unprincipled injustice of both the belligerent European powers, and especially by the abandoned profligacy of the directorial Government of France, continued and increased until in the last year of Washington's administration, a majority if not of the People of the United States, at least of their representatives in Congress, were associated with it. Of that opposition, Mr. Jefferson was the favored candidate for the succession to the Presidency, and by the result of a severely contested election, was placed in the chair of the Senate as Vice President of the United States. This was the effect of a provision in the Constitution, which has since been altered by an Amendment. It was one of the new experiments in Government, attempted by the Constitution, and had then been received with an unusual degree of favor, by an anticipated expectation that its operation would be to mitigate and conciliate party spirit, by causing two persons to be voted for, to fill the same office, of President, and by consoling the unsuccessful candidate and his friends with the second office in the Government of the Union. The test of experience soon dis-

abused the fallacious foresight of a benevolent theory, and disclosed springs of human action adverse to the device of placing either a political antagonist or co-adjutor of the Chief Magistrate at the head of the Senate, and as contingently his successor.

The principles of the administration of Washington were pursued by his immediate successor. The opposition to them was encouraged and fortified by the position of their leader in the second seat of power; and the Directory of France wallowing in corruption and venality, was preparing the way, for their own destruction at home, and setting up to sale the Peace of their Country with other nations and especially with the United States. By their violence and fraud they compelled the Congress to annul the existing Treaties between the United States and France; and without an absolute declaration of War to authorize defensive hostilities.

In the controversy with France during this period, the executive administration was sustained by a vast majority of the People of the Union and the elections both of the People and of the State Legislatures returned decided majorities in both houses of Congress of corresponding opinions and policy. A powerful and inveterate opposition to all the *measures* both of Congress and of the administration was however constantly maintained with the countenance and co-operation of Mr. Jefferson, whose partialities in favor of France and the French revolution, though not extending to the justification of the secret intrigues and open hostilities of the Directory still counteracted the operations of the American Government to resist and defeat them.

The violence and pertinacity of the opposition pro-

voked the ruling majority in Congress to the adoption of two measures which neither the exasperated spirit of the times, nor the deliberate judgment of after days could reconcile to the temper of the people. I allude to the two acts of Congress since generally known by the names of the Alien and Sedition Laws. Of their merits or demerits this is not the time or the place to speak. They passed in Congress without vehement opposition; for Mr. Jefferson then holding the office of Vice President of the United States, took no acting part against them as the presiding officer of the Senate, and Mr. MADISON at the close of the administration of Washington, had relinquished his seat in the House of Representatives of the Union. Devoted in friendship to the person and in policy to the views of Mr. Jefferson, he participated with deference in his opinions to an extent which the deliberate convictions of his own judgment sometimes failed to confirm. The alien and sedition acts were intended to suppress the intrigues of foreign emissaries, employed by the profligate Government of the French Directory, and who abused the freedom of the press by traducing the characters of the administration and its friends, and by instigating the resistance of the people against the Government and the laws of the Union.

Among the eminent qualities of Mr. Jefferson, was a keen, constant, and profound faculty of observation with regard to the action and re-action of the popular opinion upon the measures of government. He perceived immediately the operation of the alien and sedition Acts, and he availed himself of them with equal sagacity and ardor for the furtherance of his own views of public policy and of personal advancement. In opposition to the alien and sedition Acts,

he deemed it advisable to bring into action so far as was practicable, the power of the State Legislatures against the government of the Union. In the pursuit of this system it was his good fortune to obtain the aid and co-operation of Mr. MADISON and of other friends equally devoted personally to him, and concurring more fully in his sentiments, than members of the Legislature of Kentucky. Assuming as first principles that by the Constitution of the United States, Congress possessed no authority to restrain in any manner the freedom of the press, not even in self-defence against the most incendiary defamation, and that the principles of the English Common Law were of no force under the Government of the United States, he drafted, with his own hand, resolutions which were adopted by the Legislature of Kentucky declaring that each State had the right to judge for itself as well of infractions of the common Constitution by the general government, as of the mode and measure of redress—that the alien and sedition Laws were, in their opinion, manifest and palpable violations of the Constitution and therefore null and void; and that a *nullification* by the State Sovereignities of all unauthorized acts done under color of the Constitution is the rightful remedy for such infractions.

The principles thus assumed, and particularly that of remedial nullification by State authority, have been more than once re-asserted by parties predominating in one or more of the confederated States, dissatisfied with particular acts of the general government. They have twice brought the Union itself to the verge of dissolution. To that result it must come, should it ever be the misfortune of the American People that they should obtain the support of a suf-

ficient portion of them to make them effective by force. They never have yet been so supported. The alien and sedition Acts were temporary Statutes and expired by their own limitations. No attempt has been made to revive them, but in our most recent times, restrictions far more rigorous upon the freedom of the press, of speech and of personal liberty, than the alien and sedition Laws, have not only been deemed within the constitutional power of Congress, but even recommended by the Chief Magistrate of the Union, to encounter the dangers and evils of incendiary publications.

The influence of Mr. Jefferson over the mind of Mr. MADISON, was composed of all that genius, talent, experience, splendid public services, exalted reputation, added to congenial tempers, undivided friendship and habitual sympathies of interest and of feeling could inspire. Among the numerous blessings which it was the rare good fortune of Mr. Jefferson's life to enjoy, was that of the uninterrupted, disinterested, and efficient friendship of MADISON. But it was the friendship of a mind not inferior in capacity and tempered with a calmer sensibility and a cooler judgment than his own. With regard to the measures of Washington's administration, from the time when the Councils of Hamilton acquired the ascendancy over those of Jefferson, the opinions of Mr. MADISON generally coincided with those of his friend. He had resisted, on Constitutional grounds, the establishment of a National Bank—he had proposed, and with all his ability had urged important modifications of the funding system. He had written and published the papers of Helvidius, and he had originated measures of commercial regulation against Great Britain, in-

stead of which Washington had preferred to institute the pacific and friendly mission of Mr. Jay. He had disapproved of the treaty concluded by that eminent, profound and incorruptible statesman, a measure the most rancorously contested of any of those of Washington's administration, and upon which public opinion has remained divided to this day. Mr. MADISON concurred entirely with Mr. Jefferson in the policy of neutrality to the European Wars, but with a strong leaning of favor to France and her revolution which it was then impossible to hold without a leaning approaching to hostility against Great Britain, her policy and her Government. Mr. MADISON therefore at the earnest solicitation of Mr. Jefferson introduced into the Legislature of Virginia the resolutions adopted on the 21st of December 1798, declaring 1, That the Constitution of the United States was a compact, to which the States were parties granting limited powers of Government. 2. That in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the compact, the States had the right to and were in duty bound to *interpose*, for arresting the progress of the evils and for maintaining within their respective limits, the authorities rights and liberties appertaining to them. 3. That the alien and sedition acts were palpable and alarming infractions of the Constitution. 4. That the State of Virginia having by its Convention which ratified the federal Constitution expressly declared that among other essential rights the liberty of conscience and the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States, and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with the

other States recommended an amendment for that purpose, which amendment was in due time annexed to the Constitution, it would mark a reproachful inconsistency and criminal degeneracy if an indifference were now shown to the most palpable violation of one of the rights thus declared and secured ; and to the establishment of a precedent which might be fatal to the other. 5. That the State of Virginia declared the alien and sedition laws UNCONSTITUTIONAL—solemnly appealed to the like dispositions in the other States, in confidence that they would concur with her in that declaration, and that the necessary and proper measures would be taken by each, for *co-operating* with her, in maintaining unimpaired the authorities, rights and liberties reserved to the States, respectively or to the People. 6. That the Governor should be desired to transmit a copy of these resolutions to the Executive authority of each of the other States, with a request that they should be communicated to the respective State Legislatures, and that a copy should be furnished to each of the Senators and Representatives of Virginia in Congress.

The resolutions did but in part carry into effect the principles and purposes of Mr. Jefferson. His original intention was that the alien and sedition acts should be declared by the State Legislatures, null and void—and that with the declaration that *nullification* by them was the rightful remedy for such usurpations of power by the federal Government, committees of correspondence and co-operation should be appointed by the Legislatures of the States concurring in the resolutions, for consultation with regard to further measures. Before the adoption of the Virginia resolutions, the Legislature of Kentucky had adopted

others drafted by Mr. Jefferson himself and introduced by two of his friends in that body. In those resolutions the doctrines of nullification by the State Legislatures of acts of Congress, deemed by them unconstitutional, was first explicitly and unequivocally asserted. But even in Kentucky the Legislature was not quite prepared for consultation upon further measures of co-operation by committees of correspondence.

The Virginia Resolutions were transmitted to the other States with an address to the people in support of them, written by Mr. MADISON. They were strongly disapproved by resolutions of all the Legislatures of the New England States and by those of New York and Delaware. They were not nor were those of the Legislature of Kentucky concurred in by any other State Legislature of the Union, but they contributed greatly to increase the unpopularity of the measures which they denounced and sharpened the edge of every weapon, wielded against the administration of the time.

At the succeeding sessions of the Legislatures of Kentucky and of Virginia, they took into consideration the answers of the Legislatures of the other States to their resolutions of 1798. The reply of Kentucky was in the form of a resolution re-asserting the right of the separate States to judge of infractions, by the Government of the union, of the Constitution of the United States, and expressly affirming that a *nullification* by the State Sovereignities of all unauthorized acts done under color of that instrument was the rightful remedy; and complaining of the doctrines and principles attempted to be maintained in *all* the answers, that of Virginia only excepted.

In the Legislature of Virginia, a long, most able and

elaborate report was written by Mr. MADISON, in reply to the answers received from the other States, and concluded with the following resolution :

“ That the General Assembly, having carefully and respectfully attended to the proceedings of a number of the States, in answer to the resolutions of December 21, 1798, and having accurately and fully re-examined and re-considered the latter, find it to be their indispensable duty to *adhere to the same* as founded in truth, as consonant with the Constitution and as conducive to its preservation ; and more especially to be their duty to renew as they do hereby renew their protest against the alien and sedition acts, as palpable and alarming infractions of the Constitution.”

The report and resolution were adopted by the Legislature in February, 1800. The alien law expired by its own limitation on the 25th of June of that year, and the sedition act on the 4th of March, 1801.

The proceedings of the Legislatures of Kentucky and Virginia relating to the alien and sedition acts, gave to them an importance far beyond that which naturally belonged to them. The acts themselves and the resolutions of the Legislatures concerning them may now be considered merely as adversary *party* measures.

The agency of Mr. Jefferson in originating the measures of both the State Legislatures was at the time profoundly secret. It has been made known only since his decease, but in estimating the weight of the objections against the two laws on sound principles as well of morals as of politics, the fact as well as the manner of that agency are observable. The situation which he then held, and that to which he ascended by its operation, are considerations not to be

overlooked in fixing the deliberate judgment of posterity upon the whole transaction. Mr. MADISON's motives for the part which he acted in the drama, are not liable to the same scrutiny ; nor did his public station at the time, nor the principles which he asserted in the management of the controversy, nor the measures which he proposed, recommended and accomplished subject his posthumous reputation and character to the same animadversions. Standing here as the sincere and faithful organ of the sentiments of my fellow citizens to honor a great and illustrious benefactor of his Country it would be as foreign from the honest and deliberate judgment of my soul as from the sense of my duties on this occasion to profess my assent to the reasoning of his report, or my acquiescence in the application of its unquestionable principles to the two acts of Congressional legislation which it arraigns. That because the *States* of this Union as well as their people, are parties to the Constitutional compact of the federal Government, therefore the STATE LEGISLATURES have the right to judge of infractions of the Constitution by the organized Government of the whole and to declare acts of Congress unconstitutional is as abhorrent to the conclusions of my judgment as to the feelings of my heart—but holding the converse of those propositions with a conviction as firm as an article of religious faith, I too clearly see to admit of denial, that minds of the highest order of intellect, and hearts of the purest integrity of purpose have been brought to different conclusions. If Jefferson and MADISON deemed the alien and sedition acts, plain and palpable infractions of the Constitution, Washington and Patrick Henry held them to be good and wholesome laws. These

opinions were perhaps all formed under excitements and prepossessions which detract from the weight of the highest authority. The alien act was passed under feelings of honest indignation at the audacity with which foreign emissaries were practising within the bosom of the country upon the passions of the people against their own Government. The sedition act was intended as a curb upon the publication of malicious and incendiary slander, upon the President or the two Houses of Congress or either of them. But they were restrictive upon the personal liberty of foreign emissaries and upon the political licentiousness of the press. The alien act produced its effect by its mere enactment, in the departure from the country of the most obnoxious foreigners and the power conferred by it upon the President was never exercised. The prosecutions under the sedition act did but aggravate the evil which they were intended to repress. Without believing that either of those laws was an infraction of the Constitution, it may be admitted without disparagement to the authority of Washington and Henry, or of the Congress which passed the acts, that they were not good and wholesome laws, inasmuch as they were not suited to the temper of the people.

Emergencies may arise in which the authority of Congress will be invoked by the portion of the people most aggrieved by the alien and sedition acts, for arbitrary expulsion of foreign incendiaries, and for the suppression of incendiary publications at home, by measures far more rigorous and more palpably violative of the Constitution than those laws, and if the temper of that portion of the people which approved *them*, shall be, as it has recently been and perhaps still is, attuned to endure the experiment, the Constitutional

authority of Congress will be found amply sufficient for the enactment of statutes far more sharp and biting than they were. The question with regard to the Constitutionality of those laws is however far different from that of the manner in which they were resisted. In that originated the doctrine of *nullification*.

In this respect there appears to have been a very material difference between the opinions and purposes of Mr. Jefferson and Mr. MADISON. Concurring in the doctrine that the separate States have the right to *interpose*, in case of palpable infractions of the Constitution by the Government of the United States, and that the alien and sedition acts presented a case of such infraction, Mr. Jefferson considered them as absolutely null and void; and thought the State Legislatures competent not only to declare but to *make* them so; to resist their execution within their respective borders by physical force; and to secede and separate from the Union, rather than submit to them, if attempted to be carried into execution by force. To these doctrines Mr. MADISON did not subscribe. He disclaimed them in the most explicit manner, at a very late period of his life, and in his last and most matured sentiments with regard to those laws, he considered them rather as unadvised Acts, passed in contravention to the opinions and feelings of the community than as more unconstitutional than many other acts of Congress which have generally accorded with the views of a majority of the States and of the people.

Upon the change of the administration by the election of Mr. Jefferson as President of the United States in 1801, a new career was opened to the talents and

wisdom of his friend, who thenceforth became his first assistant and his most confidential adviser in the administration of the Government.

That administration was destined to pass through ordeals scarcely less severe than those which had tested the efficiency of the Constitution of the United States under the Presidency of his predecessors.

By a singular concurrence of good fortune, Mr. Jefferson was immediately after his accession relieved from the pressure of all the important difficulties and menacing dangers which had so heavily weighed upon the administration of both his predecessors. The differences between them both and the United States, which had during the twelve years of those administrations kept the nation without intermission in the most imminent dangers of War, first with Great Britain, and afterwards with France, had all been adjusted by Treaties with both those nations. The revolutionary violence of Republican France had already subsided into a military Government. Still retaining the name of a republic; but rapidly ripening into a hereditary monarchy. The wars in Europe themselves were about to cease, for a short period indeed, and soon to blaze out with renewed and aggravated fury, but upon questions of mere conquest and aggrandizement between the belligerent powers. In the same year with the inauguration of Mr. Jefferson, the Peace of Amiens, had replaced France at the head of continental Europe, leaving Great Britain in the uncontested if not undisputed dominion of the sea.

The expenditures for the army and navy, already much reduced by the reduction of the former to a small Peace establishment, admitted of further retrenchments, and the very questionable policy of

reducing also the latter, allowed a corresponding reduction of taxation, which gave the new administration the popular attraction of professed retrenchment and reform. For the naval armaments which the sharp collisions with both the belligerent nations had rendered necessary, although they had nobly sustained the glory of valor and skill upon the ocean acquired during the revolutionary war, and were destined to deeds of yet more exalted fame in the administration of his successor, had necessarily occasioned heavy expense—had been among the measures most severely censured by Mr. Jefferson, and were among his most favorite objects of reform. Reformed they accordingly were, and dry docks and gunboats, became for a time the cheap defences of the nation. The gallant spirit of the navy was itself discountenanced and discouraged, till a Tripolitan Cruiser captured after a desperate battle was not even taken into possession, upon a scruple of the victor's instructions whether self-defence could give a right to the fruits of victory, without a declaration of War by Congress.

The reduction of the navy, while it lasted, deeply injurious both to the honor and the interest of the nation, gave however to the incipient administration the credit of reduced expenditures, retrenchment and reform: such was its first effect at home. Abroad its first fruit was the contempt of the Barbary powers—insult, outrage and war—a new armament, and new taxation under the denomination of a mediterranean fund, took the place of retrenchment; and when the smothered flames of war burst forth anew between France and Britain, the impressment of our seamen, Orders in Council, Paper Blockades, Decrees of Berlin, of Milan, of Rambouillet, and finally the murder

of our mariners within our own waters, and the wanton and savage attack upon the frigate *Chesapeake*, proved in the degradation of our national reputation, and in the cowering of that undaunted spirit which rides upon the mountain wave, the short sightedness of that policy, which trusted to gunboats and dry docks for the defence of the country upon the world of waters, and which had crippled the naval arm, and tamed the gallant spirit of the Union, for the glory of retrenchment and reform.

On the other hand the renewal of the European war, and the partialities of Mr. Jefferson in favor of France enabled him to accomplish an object which greatly enlarged the territories of the Union—which removed a most formidable source of future dissensions with France ; which exceedingly strengthened the relative influence and power of the State and section of the Union, to which he himself belonged, and which in its consequences changed the character of the Confederacy itself. This operation, by far the greatest that has been accomplished by any administration under the Constitution, was consummated at the price of fifteen millions of dollars in money, and of a direct, unqualified, admitted violation of the Constitution of the United States. According to the theory of Mr. Jefferson, as applied by him to the alien and sedition Acts, it was absolutely null and void. It might have been nullified by the Legislature of any one State in the Union, and if persisted in would have warranted and justified a combination of States, and their secession from the confederacy in resistance against it.

That an amendment to the Constitution was necessary to legalize the annexation of Louisiana to the

Union, was the opinion both of Mr. Jefferson and of Mr. MADISON. They finally acquiesced however in the latitudinous construction of that instrument, which holds the treaty making powers together with an act of Congress sufficient for this operation. It was accordingly thus consummated by Mr. Jefferson, and has been sanctioned by the acquiescence of the people. Upwards of thirty years have passed away since this great change was effected. By a subsequent Treaty with Spain by virtue of the same powers and authority, the Floridas have been annexed also to the Union, and the boundaries of the United States have been extended from the Mississippi, to the Pacific ocean. There is now nothing in the Constitution of the United States to inhibit their extension to the two polar circles from the Straits of Hudson to the Straits of Magellan. Whether this very capacity of enlargement of territory and multiplication of States by the constructive power of Congress, without check or control either by the States or by their people, will not finally terminate in the dissolution of the Union itself, time alone can determine. The credit of the acquisition of Louisiana whether to be considered as a source of good or of evil, is perhaps due to Robert R. Livingston more than to any other man, but the merit of its accomplishment must ever remain as the great and imperishable memorial of the administration of Jefferson.

In the interval between the Peace of Amiens, and the renewal of the wars of France with the rest of Europe, the grasping spirit and gigantic genius of Napoleon had been revolving projects of personal aggrandizement and of national ambition of which this western hemisphere was to be the scene. He

had extorted from the languishing and nerveless dynasty of the Bourbons in Spain the retrocession of the Province of Louisiana, with a description of boundary sufficiently indefinite, to raise questions of limits whenever it might suit his purpose to settle them by the intimation of his will. Here, it had been his purpose to establish a military Colony, with the Mexican dominions of Spain on one side, and the United States of America, and the continental colonies of Great Britain on the other, in the centre of the western Hemisphere, the stand, for a lever to wield at his pleasure the destinies of the world. This plan was discomposed by a petty squabble with Great Britain about the Island of Malta; and a project wilder if possible than his military Colony of Louisiana—namely the Cæsarian operation of conquering the British Islands themselves by direct invasion. The transfer of Louisiana had been stipulated by a secret Treaty; but possession had not been taken. Mr. Livingston was then the minister of the United States in France. He had been made acquainted with the existence of the Treaty of retrocession of Louisiana, and by a memorial of great ability, had expostulated against it, urging as scarcely less essential to the interests of France than of the United States, that the Province should be ceded to them. This memorial when presented had met with little attention from Napoleon. His military Colony, of twenty thousand men was on the point of embarkation, under the command of one of his Lieutenants, destined himself in after time to wear the crown of Gustavus-Adolphus, when the Iron Crown of Lombardy and the Imperial Crown of France after encircling the brows of Napoleon should have melted before the leaden sceptre of

the restored Bourbons. Napoleon was to rise to the summit of human greatness, and to fall from it over another precipice, than that to which he was approaching with his military colony of Louisiana. When he determined to renew the war with England, still mistress of the seas, he could no longer risk the fortunes of his soldiers in a passage across the Atlantic, and unable as he was to cope with the thunders of Britain upon the Ocean, he saw that Louisiana itself if he should take possession of the Province must inevitably fall an easy prey to the enemy with whom he was to contend. He therefore abandoned his project of conquests in America, and determined at once to sell his Colony of Louisiana to the United States.

Never in the fortunes of mankind was there a more sudden, complete and propitious turn in the tide of events than this change in the purposes of Napoleon proved to the administration of Mr. Jefferson. The wrangling altercation with Spain for the navigation of the Mississippi, had been adjusted during the administration of Washington, by a treaty, which had conceded to them the right, and stipulated to make its enjoyment effective a right of deposit at New Orleans. In repurchasing from Spain the Colony of Louisiana, Napoleon, to disincumber himself from the burden of this stipulation, and to hold in his hand a rod over the western section of this Union, had compelled the dastardly and imbecile monarch of Spain to commit an act of perfidy, by withdrawing from the people of the United States, this stipulated right of deposit before delivering the possession of the Colony to France. The great artery of the commerce of the Union was thus choaked in its circulation. The sentiment of

surprise, of alarm, of indignation, was instantaneous and universal among the people. The hardy and enterprising settlers of the western country could hardly be restrained from pouring down the swelling floods of their population, to take possession of New Orleans itself, by the immediate exercise of the rights of *war*. A war with Spain must have been immediately followed by a war with France; which, however just the cause of the United States would have been, must necessarily give a direction to public affairs adverse to the whole system of Mr. Jefferson's policy, and in all probability prove fatal to the success of his administration. Instigations to immediate war, were at once attempted in Congress, and were strongly countenanced by the excited temper of the people. Mr. Jefferson instituted an extraordinary mission both to France and Spain to remonstrate against the withdrawal of the right of deposit, and to propose anew the purchase of the Island of New Orleans. By one of those coincidences in the course of human events, too rare to be numbered among the ordinary dispensations of Providence; too common to be accountable upon the doctrine of unregulated chance, when Mr. Jefferson's minister arrived at the seat of his first destination, his charge and much more than his charge was already performed. Napoleon had resolved to sell to the United States the whole of Louisiana, and Great Britain, under the influence of fears and jealousies of him, even deeper than those with which she pined at every prosperity of her alienated child, had declared her acquiescence in the transfer. The American negotiators without hesitation transcended their powers, to obtain all Louisiana instead of Florida. Claims of indemnity to the citizens of the United

States, for wrongs suffered from the preceding revolutionary Governments of France were provided for by a separate Convention, and paid for with part of the purchase money for the Province, and the whole remnant of the fifteen millions, was in the midst of a raging war, with the knowledge and assent of the British Government, furnished by English Bankers to be expended in preparations for the conquest of England by invasion.

It will be no detraction from the merits or services of Mr. Jefferson or of his Secretary of State to acknowledge that in all this transaction Fortune claims to herself the lion's share. To seize, and turn to profit the precise instant of the turning tide is itself among the eminent properties of a Statesman, and if requiring less elevated virtue than the firmness and prudence that withstand adversity, or the moderation which adorns and dignifies prosperity, it is not less essential to the character of an accomplished ruler of men.

But Napoleon had transferred the acquisition which he had wrenched from the nerveless hand of Spain with its indefinite and equivocal boundary. He had also violated his faith, pledged to Spain, when he took back the Province, once the Colony of France; that he would never cede it to the United States. Spain immediately complained, remonstrated, protested against the cession, the just reward of her own perfidy, in withdrawing the stipulated right of deposit at New Orleans; and although Napoleon soon silenced her complaints and constrained her to withdraw her protest against the cession, yet on the question of boundary, he had contracted his province of Louisiana, almost within the dimensions of the Island of New

Orleans. Negotiations with Spain and France, soon complicated with the sharper collisions of neutral and belligerent rights, and with the war of extermination between France and Britain, called for all the talents and all the energies of the President, and of his friend and Minister in the Department of State. The discussions respecting the boundaries of Louisiana were soon brought to a close. Spain contested the claims of the United States, both east and west of the Mississippi. The United States after an ineffectual attempt to obtain the Floridas from Spain, agreed to leave both the questions of boundary to the decision of France, and Napoleon instantly decided it on both sides of the Mississippi against them.

In the first wars of the French revolution Great Britain had begun by straining the claim of belligerent as against neutral rights, beyond all the theories of international jurisprudence and even beyond her own ordinary practice. There is in all war a conflict between the belligerent and the neutral right, which can in its nature be settled only by convention. And in addition to all the ordinary asperities of dissension between the nation at war and the nation at peace, she had asserted a right of man-stealing from the vessels of the United States. The claim of right was to take by force all sea-faring men, her own subjects, wherever they were found by her naval officers, to serve their king in his wars. And under color of this tyrant's right, her naval officers, down to the most beardless Midshipman actually took from the American merchant vessels which they visited any seaman whom they chose to take for a British subject. After the Treaty of November 1794, she had relaxed all her pretensions against the neutral rights,

and had gradually abandoned the practice of impressment till she was on the point of renouncing it by a formal Treaty stipulation. At the renewal of the war, after the Peace of Amiens, it was at first urged with much respect for the rights of neutrality, but the practice of impressment was soon renewed with aggravated severity and the commerce of neutral nations with the Colonies of the adverse belligerent was wholly interdicted on the pretence of justification because it had been forbidden by the enemy herself in time of peace. This pretension had been first raised by Great Britain in the seven year's war, but she had been overawed by the armed neutrality from maintaining it in the war of the American revolution. In the midst of this war with Napoleon she suddenly reasserted the principle and by a secret order in Council, swept the ocean of nearly the whole mass of neutral commerce. Her war with France spread itself all over Europe, successively involving Spain, Italy, the Netherlands, Prussia, Austria, Russia, Denmark and Sweden. Not a single neutral power remained in Europe—and Great Britain, after annihilating at Trafalgar the united naval power of France and Spain, ruling thenceforth with undisputed dominion upon the ocean, conceived the project of engrossing even the commerce with her enemy by intercepting all neutral navigation. These measures were met by corresponding acts of violence, and sophistical principles of National Law promulgated by Napoleon, rising to the summit of his greatness and preparing his downfall by the abuse of his elevation. Through this fiery ordeal the administration of Mr. Jefferson was to pass and the severest of its tests were to be applied to Mr. MADISON. His correspondence

with the ministers of Great Britain, France and Spain, and with the ministers of the United States to those nations during the remainder of Mr. Jefferson's administration constitute the most important and most valuable materials of its history. His examination of the British doctrines relating to neutral trade, will hereafter be considered a standard Treatise on the law of Nations ; not inferior to the works of any writer upon those subjects since the days of Grotius and every way worthy of the author of Publius and of Helvidius. There is indeed in all the diplomatic papers of American Statesmen justly celebrated as they have been, nothing superior to this Dissertation, which was not strictly official. It was composed amidst the duties of the Department of State, never more arduous than at that time—in the summer of 1806. It was published inofficially and a copy of it was laid on the table of each member of Congress at the commencement of the session in December 1806.

The controversies of conflicting neutral and belligerent rights continued through the whole of Mr. Jefferson's administration, during the latter part of which they were verging rapidly to war. He had carried the policy of peace, perhaps to an extreme. His system of defence by commercial restrictions, dry docks, gun-boats and embargoes was stretched to its last hair's breadth of endurance. Far be it from me my fellow citizens, to speak of this system or of its motives with disrespect. If there be a duty, binding in chains more adamant than all the rest the conscience of a Chief Magistrate of this Union, it is that of preserving peace with all mankind—peace with the other nations of the earth—peace among the several States of this Union—peace in the hearts and temper

of our own people. Yet must a President of the United States never cease to feel that his charge is to maintain the rights, the interests and the honor no less than the peace of his country—nor will he be permitted to forget that peace must be the offspring of two concurring wills. That to seek peace is not always to ensue it. He must remember too, that a reliance upon the operation of measures, from their effect on the *interests* however clear and unequivocal of nations, cannot be safe, against a counter-current of their passions. That nations, like individuals, sacrifice their peace to their pride, to their hatred, to their envy, to their jealousy, and even to the craft, which the cunning of hackneyed politicians not unfrequently mistakes for policy. That nations, like individuals have sometimes the misfortune of losing their senses, and that lunatic communities, which cannot be confined in hospitals, must be resisted in arms, as a single maniac is sometimes restored to reason by the scourge. That national madness is infectious, and that a paroxysm of it in one people, especially when generated by the Furies, that preside over war, produces a counter paroxysm in their adverse party. Such is the melancholy condition as yet of associated man. And while in the wise but mysterious dispensations of an overruling Providence, man shall so continue, the peace of every nation must depend not alone upon its own will, but upon that concurrently with the will of all others.

And such was the condition of the two mightiest nations of the earth during the administration of Mr. Jefferson. Frantic, in fits of mutual hatred; envy and jealousy against each other; meditating mutual invasion and conquest, and forcing the other nations of

the four quarters of the globe to the alternative of joining them as allies or encountering them as foes. Mr. Jefferson met them with moral philosophy, and commercial restrictions, with dry docks and gun-boats—with non-intercourses and embargoes, till the American nation were told that they could not be kicked into a war, and till they were taunted by a British Statesman in the Imperial Parliament of England, with their five fir frigates and their striped bunting.

Mr. Jefferson pursued his policy of peace till it brought the nation to the borders of internal war. An embargo of fourteen months duration was at last reluctantly abandoned by him, when it had ceased to be obeyed by the people, and State Courts were ready to pronounce it unconstitutional. A non-intercourse was then substituted in its place and the helm of State passed from the hands of Mr. Jefferson to those of Mr. MADISON, precisely at the moment of this perturbation of earth and sea, threatened with war from abroad and at home, but with the principle definitively settled that in our intercourse with foreign nations, reason, justice and commercial restrictions require live oak hearts and iron or brazen mouths to speak, that they may be distinctly heard, or attentively listened to, by the distant ear of foreigners, whether French or British, monarchical or republican.

The administration of Mr. MADISON, was with regard to its most essential principles a continuation of that of Mr. Jefferson. He too was the friend of peace, and earnestly desirous of maintaining it. As a last resource for the preservation of it, an act of Congress prohibited all commercial intercourse with both belligerents, the prohibition to be withdrawn from

either or both in the event of a repeal by either of the orders and decrees in violation of neutral rights. France ungraciously and equivocally withdrew her's. Britain refused, hesitated and at last conditionally withdrew her's when it was too late—after a formal declaration of war had been issued by Congress at the recommendation of President MADISON himself.

Of the necessity, the policy or even the justice of this war, there are conflicting opinions not yet, perhaps never to be harmonized. This is not the time or the place to discuss them. The passions, the prejudices and the partialities of that day have passed away. That it was emphatically a popular war, having reference to the whole people of the United States, will, I think, not be denied. That it was in a high degree unpopular in our own section of the Union is no doubt equally true; and that it was so, constituted the greatest difficulties and prepared the most mortifying disasters in its prosecution.

The war itself was an ordeal through which the Constitution of the United States, as the Government of a great nation was to pass. Its trial in that respect was short but severe. In the intention of its founders and particularly of Mr. MADISON, it was a Constitution essentially pacific in its character, and for a nation above all others, the lover of peace—yet its great and most vigorous energies and all its most formidable powers are reserved for the state of war—and war is the condition in which the functions allotted to the separate States sink into impotence compared with those of the general Government.

The war was brought to a close without any definitive adjustment of the controverted principles in which it had originated. It left the questions of neutral

commerce with an enemy and his colonies, of bottom and cargo, of blockade and contraband of war and even of impressment, precisely as they had been before the war. With the European war all the conflicts between belligerent and neutral rights had ceased. Great Britain, triumphant as she was after a struggle of more than twenty years duration—against revolutionary, republican and Imperial France, was in no temper to yield the principles for which in the heat of her contest she had defied the power of Neutrality and the voice of Justice. As little were the Government or people of the United States disposed to yield principles, upon which, if there had been any error in their previous intercourse with the belligerent powers, it was that of faltering for the preservation of peace, in the defence of the rights of neutrality, and of conceding too much to the lawless pretensions of naval war.

The extreme solicitude of the American Government for the perpetuity of peace, especially with Great Britain, induced Mr. MADISON to institute with her negotiations after the peace of Ghent, for the adjustment of all these questions of maritime collisions between the warlike and the pacific nation. The claims of neutral right are all founded upon the precepts of Christianity and the natural rights of man. The warring party's claim is founded upon the immemorial usages of war, untempered and unmitigated by the chastening spirit of Christianity. They all rest upon the right of force—or upon what has been termed the ultimate argument of kings. But since the whole Island of Albion has been united under one Government, her foreign wars have necessarily all been upon or beyond the seas. Her consolida-

tion and her freedom have made her the first of maritime States, and the first of humane, learned, intelligent, but warlike nations of modern days. At home, she is generous, beneficent, tender hearted and above all proud of her liberty and loyalty united as in one. Free as the air upon her mountains, she tyrannizes over one class of her people and that, the very class upon which she depends for the support of her freedom. She proclaims that the foot, be it of a slave, by alighting on her soil emancipates the man; and as if it were the exclusive right of her soil, the foot of her own mariner by passing from it upon the deck of a ship, slips into the fetters of a slave. There is no writ of Habeas Corpus for a British sailor. The stimulant to his love of his king and country is the Press Gang.

This glaring inconsistency with the first principles of the British Constitution is justified on the plea of necessity, which being above all law, claims equal exemption from responsibility to the tribunal of reason. The efforts of Mr. MADISON and of his successors to obtain an amicable adjustment of this great source of hostility between the kindred nations have hitherto proved equally unavailing. One short interval has occurred since the peace, during which a war broke out between France and Spain to which Britain was neutral, and the views of her ruling Statesmen were then favorable to the rights of neutrality. Had that war been of longer continuance the prospects of a mitigation of the customs of maritime warfare might have been more propitious; but we can now only indulge the hope that the glory of extinguishing the flame of war by land and sea is reserved for the future destinies of our confederated land.

The peace with Great Britain was succeeded by a short war with Algiers in which the first example was set of a peace with that piratical Power purchased by chastisement substituted for tribute—and which set the last seal to the policy of maintaining the rights and interests of the United States by a permanent naval force.

The revolutions in Spain, and in her Colonies of this hemisphere, complicated with questions of disputed boundaries, and with claims of indemnity for depredations upon our commerce, formed subjects for important negotiations, during the war with Great Britain, and after its close. Never, since the institution of civil society, have there been within so short a time so many assumptions of sovereign powers. The crown of Spain was abdicated by Charles the Fourth, and then by his son Ferdinand, while a prisoner to Napoleon, at Bayonne, transferred to the house of Bonaparte, as the kingdom of Naples had been by conquest before. In Germany, the dissolution of the German Empire had generated a kingdom of Westphalia, and converted into kingdoms the electorates of Saxony, of Bavaria, of Wirtemberg and of Hanover. The kingdom of Portugal had been overshadowed by an empire of Brazil, and every petty Province of Spain in this hemisphere down to the Floridas and Amelia Island constituted themselves into sovereign States, unfurled their flags and claimed their seats among the potentates of the earth. Under these circumstances, it became often a question of great delicacy, who should be recognized as such, and with whom an exchange of diplomatic functionaries should be made. There was during Mr. MADISON'S administration a period during which war was waged

in Spain for the restoration of a Prince who had himself renounced his throne. A regency acting in his name was recognized by Great Britain, under whose auspices he was finally restored. Napoleon had given the crown of Spain, wrested by fraud and violence from the Bourbons, to his brother, who was recognized as king of Spain by all the continental powers of Europe, and it was in the conflict between these two usurpers, that the transatlantic Colonies of Spain in this hemisphere, disclaiming allegiance to either of the contending parties, asserted their own rights as independent communities. Mr. MADISON, believed it to be the duty and the policy of the United States, while the *fact* remained to be decided by the issue of war, to withhold the acknowledgment of sovereign power alike from them all. The reception of a minister appointed by the regency of Spain was therefore delayed, until he was commissioned by Ferdinand himself after his restoration, and the total expulsion of his rival Joseph Buonaparte. But most of the American Colonies of Spain, released from their bonds of subjection to a European king, by the first dethronement and abdication of Charles the Fourth, refused ever after all submission to the monarchs of Spain, and those on the American Continents which submitted for a time shortly after declared and have maintained their Independence, yet however unacknowledged by Spain. No general union of the several Colonies of Spain, analogous to that of the British Colonies in these United States, has been or is ever likely to be established. The several Vice Royalities have in their dissolution, melted into masses of confederated or consolidated Governments. They have been ravaged by incessant internal dissensions

and civil war. As they attempt to unite in one, or as they separate into parts, new States present themselves, claiming the prerogatives of sovereignty, and the powers of Independent nations. The European kingdoms of France, Spain, Portugal, the Netherlands and Greece, have been in the same convulsionary state, with contending claims of sovereign power, so that the question of *recognition*, in almost numberless cases, and under a multitude of forms, has been before the Government of the United States for decision.

The act of recognition, being an execution of the laws of nations, is an attribute of executive power, and has therefore been invariably performed under the present Constitution of the United States by their President. Mr. MADISON withheld this recognition from the minister of the Spanish Regency, but yielded it to the same person, when commissioned by Ferdinand. He left to his successors the obligation, of withholding and of conceding the acknowledgment, as the duties of this nation might from time to time forbid or enjoin ; and a question of the deepest interest, under circumstances pregnant with unparalleled consequences, is while I speak under the consideration and subject to the decision of the President of the United States.

The severest trials of our country induced by the war with Great Britain were endured by the disorder of the national finances. The revenues of the Union until then had consisted almost exclusively in the proceeds of taxation by impost on imported merchandize. Excises, land taxes and taxes upon stamps were resorted to during the war, but were always found more burdensome and less acceptable to the people. It is however a disadvantage, perhaps counterbalan-

ced by consequences more permanently beneficial in our political system, that the revenue from impost, more easily collected and more productive than any other in time of peace, must necessarily fail, almost entirely, in war with a nation of superior maritime force. Our admirable system of settlement and disposal of the public lands had been long established but was at that time and for many years since little known by its fruits. It is doubtful whether until the last year the proceeds of the sales have been sufficient to defray the cost of the purchase and the expenses of management. The prices at which they are sold have been reduced, while the wages of labor have risen, till the purchaser for settlement receives them upon terms nearly gratuitous. They are now an inestimable source of a copious revenue, and if honestly and carefully managed for the people to whom they belong, may hereafter alleviate the burden of taxation in all its forms. But when the war with Great Britain was declared in 1812, the population of this Union was less than one half its numbers at the present day. It increases now at the average rate of half a million of souls every year. For this state of unexampled prosperity a tribute of gratitude and applause is due to the administration of MADISON, for the wise and conciliatory policy upon which it was conducted from the close of the war, until the end of his second Presidential term in March 1817, when he voluntarily retired from public life.

From that day, for a period advancing upon its twentieth year, he lived in a happy retirement ; in the bosom of a family and with a partner for life alike adapted to the repose and comfort of domestic privacy, as she had been to adorn and dignify the high-

est of public stations. Between the occupations of agriculture, the amusements of literature and the exercise of beneficence, the cultivation of the soil, of the mind and of the heart, the leisure of his latter days was divided. In 1829 a Convention was held in Virginia for the revisal of the Constitution of the Commonwealth, in which transaction the people of the State again enjoyed the benefit of his long experience and his calm and conciliatory counsels. The unanimous sense of that body would have deferred to him the honor of presiding over their deliberations, but the infirmities of age had already so far encroached upon the vigor of his constitution, that he declined in the most delicate manner the nomination by proposing himself the election of his friend and successor to the Chief Magistracy of the Union, James Monroe. He was accordingly chosen without any other nomination, but was afterwards himself so severely indisposed that he was compelled to resign both the Presidency and his seat in the Convention before they had concluded their labors.

On one occasion of deep interest to the people of the State, on the question of the ratio of representation in the two branches of the Legislature, Mr. MADISON took an active part and made a speech the substance of which has been preserved.

“Such in those moments as in all the past,”

This speech is so perfectly characteristic of the man that it might itself be considered as an epitome of his life. Though delivered upon a question, which in a discussion upon a Constitution of this Commonwealth could not even be raised, it was upon a subject which probed to the deepest foundations the institution of

civil society. It was upon the condition of the colored population of the Commonwealth and upon their relations as persons and as property to the State. Every part of the speech is full of the spirit which animated him through life. Nor can I resist the temptation to repeat a few short passages from it, which may serve as samples of the whole.

"It is sufficiently obvious said Mr. MADISON, that persons and property are the two great objects on which Governments are to act; that the rights of persons and the rights of property are the objects for the protection of which Government was instituted. These rights cannot well be separated. The personal right to acquire property which is a natural right, gives to property when acquired, a right to protection, as a social right."

"It is due to justice; due to humanity; due to truth; to the sympathies of our nature in fine, to our character as a people, both abroad and at home; that the colored part of our population should be considered, as much as possible, in the light of human beings, and not as mere property. As such, they are acted upon by our laws, and have an interest in our laws."

"In framing a Constitution, great difficulties are necessarily to be overcome; and nothing can ever overcome them but a spirit of compromise. Other nations are surprised at nothing so much as our having been able to form constitutions in the manner which has been exemplified in this country. Even the union of so many States, is, in the eyes of the world, a wonder; the harmonious establishment of a common Government over them all, a miracle. I cannot but flatter myself that without a miracle, we shall be able to arrange all difficulties. I never have des-

paired, notwithstanding all the threatening appearances we have passed through. I have now more than a hope—a consoling confidence—that we shall at last find that our labors have not been in vain.”

Mr. MADISON was associated with his friend Jefferson in the institution of the University of Virginia, and after his decease was placed at its head under the modest and unassuming title of Rector. He was also the President of an Agricultural Society in the county of his residence, and in that capacity delivered an address which the practical farmer and the classical scholar may read with equal profit and delight.

In the midst of these occupations the declining days of the Philosopher, the Statesman and the Patriot were past, until the 21st day of June last, the anniversary of the day on which the ratification of the Convention of Virginia in 1788 had affixed the seal of JAMES MADISON as the father of the Constitution of the United States, when his earthly part sunk without a struggle into the grave, and a spirit bright as the seraphim that surround the throne of omnipotence, ascended to the bosom of his God.

This Constitution, my countrymen, is the great result of the North American revolution. This is the giant stride in the improvement of the condition of the human race, consummated in a period of less than one hundred years. Of the signers of the address to George the Third in the Congress of 1774—of the signers of the Declaration of Independence in 1776—of the signers of the Articles of Confederation in 1781, and of the signers of the federal and national Constitution of Government under which we live, with enjoyments never before allotted to man, not one remains in the land of the living. The last survi-

ver of them all was he to honor whose memory we are here assembled at once with mourning and with joy. We reverse the order of sentiment and reflection of the ancient Persian king—we look *back* on the century gone by—we look around with anxious and eager eye for *one* of that illustrious host of Patriots and heroes under whose guidance the revolution of American Independence was begun and continued and completed. We look around in vain. To them this crowded theatre, full of human life, in all its stages of existence, full of the glowing exultation of youth, of the steady maturity of manhood, the sparkling eyes of beauty and the grey hairs of reverend age—all this to them is as the solitude of the sepulchre. We think of this and say, how short is human life! But then, *then*, we turn back our thoughts again, to the scene over which the falling curtain has but now closed upon the drama of the day. From the saddening thought that they are no more, we call for comfort upon the memory of what they *were*, and our hearts leap for joy, that they were our fathers. We see them, true and faithful subjects of their sovereign, first meeting with firm but respectful remonstrance the approach of usurpation upon their rights. We see them, fearless in their fortitude, and confident in the righteousness of their cause, bid defiance to the arm of power, and declare themselves Independent States. We see them, waging for seven years a war of desolation and of glory, in most unequal contest with their own unnatural stepmother, the mistress of the seas, till under the sign manual of their king their Independence was acknowledged—and last and best of all, we see them, toiling in war and in peace to form and perpetuate an union, under forms of Gov-

ernment intricately but skilfully adjusted so as to secure to themselves and their posterity the priceless blessings of inseparable Liberty and Law.

Their days on earth are ended, and yet their century has not passed away. *Their* portion of the blessings which they thus labored to secure, they have enjoyed—and transmitted to *us* their posterity. We enjoy them as an inheritance—won, not by our toils—watered, not with our tears—saddened, not by the shedding of any blood of ours. The gift of heaven through their sufferings and their achievements—but not without a charge of correspondent duty incumbent upon ourselves.

And what, my friends and fellow citizens, what is that duty of our own? Is it to remonstrate to the adders's ear of a king beyond the Atlantic wave, and claim from him the restoration of violated rights? No. Is it to sever the ties of kindred and of blood, with the people from whom we sprang: To cast away the precious name of Britons and be no more the countrymen of Shakspeare and Milton, of Newton and Locke—of Chatham and Burke? Or more and worse, is it to meet *their* countrymen in the deadly conflict of a seven year's war? No. Is it the last and greatest of the duties fulfilled by them? Is it to lay the foundations of the fairest Government and the mightiest nation that ever floated on the tide of time? No! These awful and solemn duties were allotted to them; and by them they were faithfully performed. What then is our duty?

Is it not to preserve, to cherish, to *improve* the inheritance which they have left us—won by their toils—watered by their tears—saddened but fertilized by their blood? Are we the sons of worthy sires, and

in the onward march of time have they achieved in the career of human improvement so much, only that our posterity and theirs may blush for the contrast between their unexampled energies and our nerveless impotence? between their more than Herculean labors and our indolent repose? No, my fellow citizens—far be from us; far be from you, for he who now addresses you has but a few short days before he shall be called to join the multitudes of ages past—far be from you the reproach or the suspicion of such a degrading contrast. You too have the solemn duty to perform, of improving the condition of your species, by improving your own. Not in the great and strong wind of a revolution, which rent the mountains and brake in pieces the rocks before the Lord—for the Lord is not in the wind—not in the earthquake of a revolutionary war, marching to the onset between the battle field and the scaffold—for the Lord is not in the earthquake—Not in the fire of civil dissension—In war between the members and the head—In nullification of the laws of the Union by the forcible resistance of one refractory State—for the Lord is not in the fire; and *that* fire was never kindled by your fathers! No! it is in the still small voice that succeeded the whirlwind, the earthquake and the fire. The voice that stills the raging of the waves and the tumults of the people—that spoke the words of peace—of harmony—of union. And for that voice, may you and your children's children “to the last syllable of recorded time,” fix your eyes upon the memory, and listen with your ears to the life of JAMES MADISON.

ORDER OF PERFORMANCES

IN THE

ODDON,

TUESDAY, SEPTEMBER 27th, 1836,

OCCASIONED BY THE DECEASE OF

JAMES MADISON,

FORMERLY

PRESIDENT OF THE UNITED STATES.

I...VOLUNTARY ON THE ORGAN—By G. J. Webb.

II...PRAYER—By Rev. Dr. Lowell.

III...ODE—By the Choir of the Boston Academy of Music.
Poetry by Park Benjamin. Music by G. J. Webb.

How shall we mourn the glorious dead?
What trophy rear above his grave,
For whom a nation's tears are shed—
A nation's funeral banners wave!

Let Eloquence his deeds proclaim,
From sea-beat strand to mountain goal;
Let Hist'ry write his peaceful name,
High on her truth-illuminated scroll.

Let Poetry and Art through Earth
The page inspire, the canvass warm—
In glowing words record his worth,
In living marble mould his form.

A fame so bright will never fade,
A name so dear will deathless be;

For on our country's shrine he laid
The charter of her liberty.

Praise be to God ! His love bestowed
The chief, the patriot, and the sage ;
Praise God ! to Him our fathers owed
This fair and goodly heritage.

The sacred gift, time shall not mar,
But Wisdom guard what Valor won—
While beams serene her guiding star,
And Glory points to Madison !

Eulogy—By the Hon. John Quincy Adams.

V...HYMN.

O God, our help in ages past,
Our hope for years to come ;
Our shelter from the stormy blast,
And our eternal home ;—

Beneath the shadow of Thy throne,
Our land abides secure ;
Sufficient is Thine arm alone,
And our defence is sure.

Thy word commands our flesh to dust,
Return ye sons of men ;
All nations rose from earth at first,
And turned to earth again.

O God, our help in ages past,
Our hope for years to come,
Be Thou our guard while troubles last,
And our eternal home.

VI...BENEDICTION.







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